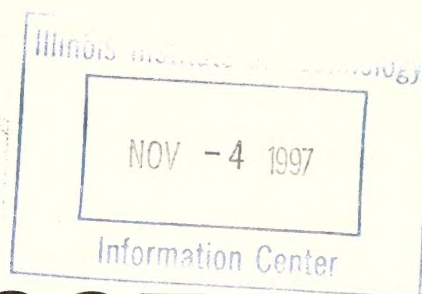
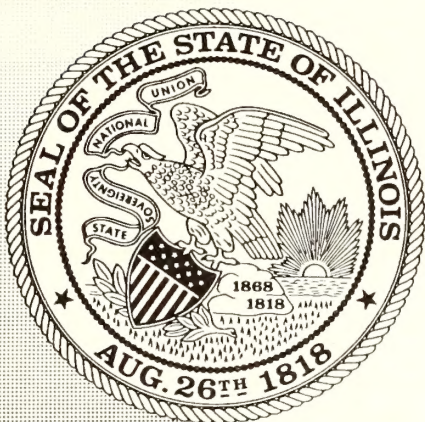


FI 1235
A21
RM

Prof. Livingston



1997

Illinois Register

Rules of Governmental Agencies

Volume 21, Issue 43—October 24, 1997

Pages 13,951 - 14,114

Index Department
Administrative Code Div.
111 East Monroe Street
Springfield, IL 62756
(217) 782-7017
<http://www.sos.state.il.us>

published by
George H. Ryan
Secretary of State

TABLE OF CONTENTS

October 24, 1997 Volume 21, Issue 43

PROPOSED RULES

COMMERCE COMMISSION, ILLINOIS

Fees And Taxes

92 Ill. Adm. Code 120513951

Imposition Of Sanctions Including The Suspension Or Revocation Of Licenses And/or The Assessment Of Civil Penalties

92 Ill. Adm. Code 1730, Repeal of13955

Relocation Towing

92 Ill. Adm. Code 171013960

Standards For The Assessment Of Civil Penalties (general Order 4 (r))

92 Ill. Adm. Code 1740, Repeal of13986

Uniform System Of Accounts For Relocators

92 Ill. Adm. Code 1720, Repeal of13990

HUMAN SERVICES, DEPARTMENT OF

Subacute Alcoholism And Substance Abuse Treatment Program

77 Ill. Adm. Code 209013993

PUBLIC HEALTH, DEPARTMENT OF

Freestanding Emergency Center Demonstration Program Code

77 Ill. Adm. Code 51813995

SECRETARY OF STATE

Regulations Under The Illinois Loan Brokers Act Of 1995

14 Ill. Adm. Code 14514071

ADOPTED RULES

HUMAN RIGHTS, DEPARTMENT OF

Procedures Of The Department Of Human Rights

56 Ill. Adm. Code 252014081

EMERGENCY RULES

HUMAN SERVICES, DEPARTMENT OF

Subacute Alcoholism And Substance Abuse Treatment Program

77 Ill. Adm. Code 209014087

**AGENCY NOTICES OF MODIFICATION, WITHDRAWAL OR REFUSAL
TO PROPOSED RULES**

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF

Department Of Children And Family Services Employee Conflict Of
Interest

89 Ill. Adm. Code 437, Modification (Emergency)14096

NOTICE OF REQUEST FOR EXPEDITED CORRECTIONS

HEALTH FACILITIES PLANNING BOARD

Narrative And Planning Policies

77 Ill. Adm. Code 110014108

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Second Notices Received14113

INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

REGISTER PUBLICATION SCHEDULE 1997

Material Rec'd after Noon on:	And before Noon on:	Will be in Issue #:	Published on:	Material Rec'd after Noon on:	And before Noon on:	Will be in Issue #:	Published on:
Dec. 24, 1996	Dec. 31, 1996	1	Jan. 3, 1997	July 1, 1997	July 8, 1997	28	July 11, 1997
Dec. 31, 1996	Jan. 7, 1997	2	Jan. 10, 1997	July 8, 1997	July 15, 1997	29	July 18, 1997
Jan. 7, 1997	Jan. 14, 1997	3	Jan. 17, 1997	July 15, 1997	July 22, 1997	30	July 25, 1997
Jan. 14, 1997	Jan. 21, 1997	4	Jan. 24, 1997	July 22, 1997	July 29, 1997	31	Aug. 1, 1997
Jan. 21, 1997	Jan. 28, 1997	5	Jan. 31, 1997	July 29, 1997	Aug. 5, 1997	32	Aug. 8, 1997
Jan. 28, 1997	Feb. 4, 1997	6	Feb. 7, 1997	Aug. 5, 1997	Aug. 12, 1997	33	Aug. 15, 1997
Feb. 4, 1997	Feb. 11, 1997	7	Feb. 14, 1997	Aug. 12, 1997	Aug. 19, 1997	34	Aug. 22, 1997
Feb. 11, 1997	Feb. 18, 1997	8	Feb. 21, 1997	Aug. 19, 1997	Aug. 26, 1997	35	Aug. 29, 1997
Feb. 18, 1997	Feb. 25, 1997	9	Feb. 28, 1997	Aug. 26, 1997	Sept. 2, 1997	36	Sept. 5, 1997
Feb. 25, 1997	Mar. 4, 1997	10	Mar. 7, 1997	Sept. 2, 1997	Sept. 9, 1997	37	Sept. 12, 1997
Mar. 4, 1997	Mar. 11, 1997	11	Mar. 14, 1997	Sept. 9, 1997	Sept. 16, 1997	38	Sept. 19, 1997
Mar. 11, 1997	Mar. 18, 1997	12	Mar. 21, 1997	Sept. 16, 1997	Sept. 23, 1997	39	Sept. 26, 1997
Mar. 18, 1997	Mar. 25, 1997	13	Mar. 28, 1997	Sept. 23, 1997	Sept. 30, 1997	40	Oct. 3, 1997
Mar. 25, 1997	Apr. 1, 1997	14	Apr. 4, 1997	Sept. 30, 1997	Oct. 7, 1997	41	Oct. 10, 1997
Apr. 1, 1997	Apr. 8, 1997	15	Apr. 11, 1997	Oct. 7, 1997	Oct. 14, 1997	42	Oct. 17, 1997
Apr. 8, 1997	Apr. 15, 1997	16	Apr. 18, 1997	Oct. 14, 1997	Oct. 21, 1997	43	Oct. 24, 1997
Apr. 15, 1997	Apr. 22, 1997	17	Apr. 25, 1997	Oct. 21, 1997	Oct. 28, 1997	44	Oct. 31, 1997
Apr. 22, 1997	Apr. 29, 1997	18	May 2, 1997	Oct. 28, 1997	Nov. 4, 1997	45	Nov. 7, 1995
Apr. 29, 1997	May 6, 1997	19	May 9, 1997	Nov. 4, 1997	Nov. 10, 1997*	46	Nov. 14, 1997
May 6, 1997	May 13, 1997	20	May 16, 1997	Nov. 10, 1997*	Nov. 18, 1997	47	Nov. 21, 1997
May 13, 1997	May 20, 1997	21	May 23, 1997	Nov. 18, 1997	Nov. 25, 1997	48	Dec. 1, 1997*
May 20, 1997	May 27, 1997	22	May 30, 1997	Nov. 25, 1997	Dec. 2, 1997	49	Dec. 5, 1997
May 27, 1997	June 3, 1997	23	June 6, 1997	Dec. 2, 1997	Dec. 9, 1997	50	Dec. 12, 1997
June 3, 1997	June 10, 1997	24	June 13, 1997	Dec. 9, 1997	Dec. 16, 1997	51	Dec. 19, 1997
June 10, 1997	June 17, 1997	25	June 20, 1997	Dec. 16, 1997	Dec. 23, 1997	52	Dec. 26, 1997
June 17, 1997	June 24, 1997	26	June 27, 1997	Dec. 23, 1997	Dec. 30, 1997	1	Jan. 2, 1998
June 24, 1997	July 01, 1997	27	July 7, 1997*	Dec. 30, 1997	Jan. 6, 1998	2	Jan. 9, 1998

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

* Monday

ILLINOIS COMMERCE COMMISSION

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Fees and Taxes

2) Code Citation: 92 Ill. Adm. Code 1205

3) Section Numbers: 1205.400
Proposed Action: Amend

4) Statutory Authority: Implementing Sections 18c-1202(9), 18c-1501, 18c-1502, and 18c-5102 and authorized by Section 18c-1202(9), 18c-1402, 18c-1501, 18c-1502, and 18c-5102 of the Illinois Commercial Transportation Law [625 ILCS 5/18c-1202(9), 18c-1402, 18c-1501, 18c-1502, and 18c-5102]

5) A Complete Description of the Subjects and Issues Involved: Section 18c-1503 of the Illinois Commercial Transportation Law says: "It is the intent of the Legislature...that any surplus...accumulated in the Transportation Regulatory Fund...should be considered in establishing or adjusting fees for the succeeding years. The Commission shall...insure that any surplus generated...in the TRF does not exceed the surplus accumulated...during fiscal year 1984, and shall adjust the level of such fees...to insure compliance with this provision." The surplus in 1984 was about \$4.5 million, and the Fund now has an operating surplus of \$5.5 million. Last year the Commission adopted a rulemaking which temporarily reduced or suspended certain motor carrier fees as part of a strategy to reduce the balance in the Transportation Regulatory Fund. We are proposing to amend that rulemaking to reduce some additional fees, and authorize the continued collection of fees at the lower or suspended rate through the end of calendar year 1998 in order to further reduce the balance.

6) Will this proposed amendment replace an emergency amendment currently in effect? No

7) Does this rulemaking contain an automatic repeal date: Yes. January 1, 1999

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This proposed amendment neither creates nor expands any State mandate on units of local government, school districts, or community college districts.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments should be submitted within 45 days of the date of this issue of the *Illinois Register* to:

Kathy Campbell

Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62706
(217)785-1018

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses affected: This amendment will affect those companies engaged in the for hire transport of property in intrastate commerce in Illinois that are also small businesses as defined in the Illinois Administrative Procedure Act.

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included in either of the two most recent Agendas because: the need for this rulemaking was not anticipated when the two most recent agendas were published.

The full text of the Proposed Amendment begins on the next page:

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER III: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER a: COMMERCIAL TRANSPORTATION GENERALLY

PART 1205
FEES AND TAXES

SUBPART A: FILING FEES

Section
1205.10 Filing Fees
1205.20 Late-Filing Fees (Repealed)

SUBPART B: ANNUAL VEHICLE FEES

Section
1205.100 Intrastate Motor Carriers of Property
1205.110 Interstate Motor Carriers of Property
1205.115 Ordering Fees

SUBPART C: GROSS RECEIPTS TAXES

Section
1205.200 Gross Receipts Taxes for Motor Carriers of Passengers (Repealed)
1205.210 Gross Receipts Taxes for Rail Carriers
1205.220 Gross Receipts Taxes for Common Carrier Pipelines

SUBPART D: PAYMENT PROCEDURES

Section
1205.300 Payment of Fees

SUBPART E: TEMPORARY FILING AND VEHICLE FEES

Section
1205.400 Temporary Filing Fees, Annual Vehicle Fees and Ordering Fees

AUTHORITY: Implementing Sections 18c-1202(9), 18c-1501, 18c-1502, and 18c-5102 and authorized by Sections 18c-1202(9), 18c-1402, 18c-1501, 18c-1502 and 18c-5102 of the Illinois Commercial Transportation Law [625 ILCS 5/18c-1202(9), 18c-1402, 18c-1501, 18c-1502 and 18c-5102].

SOURCE: Emergency rules adopted at 11 Ill. Reg. 1497, effective January 1, 1987, for a maximum of 150 days; adopted at 11 Ill. Reg. 9853, effective May 8, 1987, amended at 12 Ill. Reg. 15540, effective October 1, 1988; amended at 13 Ill. Reg. 11460, effective July 1, 1989; amended at 18 Ill. Reg. 11155, effective July 1, 1994; emergency amendment at 18 Ill. Reg. 16464, effective October 21, 1994, for a maximum of 150 days; emergency rule expired March 20,

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

1994; amended at 19 Ill. Reg. 8198, effective June 8, 1995; amended at 21 Ill. Reg. 3831, effective March 13, 1997; amended at 21 Ill. Reg. _____, effective _____.

SUBPART E: TEMPORARY FILING AND VEHICLE FEES

Section 1205.400 Temporary Filing Fees, Annual Vehicle Fees and Ordering Fees

Notwithstanding any other provision of this Part, the following fees will be in effect until January 1, 1999 ~~1998~~.

a) Filing Fees

- 1) Application for Public Carrier Certificate (New, Reapplication, Non-hearing Transfer and Acquisition and Control) \$ 50\$100
- 2) Motor carrier of property proof of insurance coverage filing \$ 0
- 3) Each order of intrastate cab cards and interstate exempt bingo stamps \$ 0
- 4) Tariff maintenance fee, payable by December 31 of each year \$ 0
- 5) Petition for Certificate of Exemption \$ 50\$75
- 6) Application to register as an exempt interstate motor carrier of property or passengers \$ 0
- 7) Application for non-relocation towing license \$ 50\$100
- 8) Application for broker's license \$ 50\$100
- 9) Lease filing fee \$ 15

b) Annual Vehicle Fees

- 1) Any intrastate carrier operating under a license issued by this Commission, and who has purchased intrastate cab cards having an expiration date of either December 31, 1996 or December 31, 1997, shall have the expiration date of those cab cards extended until December 31, 1998 ~~1997~~. Any additional cab cards purchased after the effective date of this amendment shall be \$25 for household goods carriers, and \$5 for public carrier certificate holders.
- 2) Any exempt interstate carrier of property who has registered with this Commission, and who has purchased bingo stamps having an expiration date of either December 31, 1996 or December 31, 1997, shall have the expiration date of those bingo stamps extended until December 31, 1998 ~~1997~~. Any additional bingo stamps purchased after the effective date of this amendment shall be \$7.
- c) The provisions of this Section shall be automatically repealed effective January 1, 1999 ~~1998~~, in accordance with the provisions of Section 5-55 of the Illinois Administrative Procedure Act [5 ILCS 100/5-55].

(Source: Amended at 21 Ill. Reg. _____, effective _____)

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Imposition of Sanctions Including the Suspension or Revocation of Licenses and/or the Assessment of Civil Penalties

- 2) Code Citation: 92 Ill. Adm. Code 1730

- 3) Section Numbers: Proposed Action:

1730.10	Repeal
1730.15	Repeal
1730.20	Repeal
1730.30	Repeal
1730.40	Repeal
1730.50	Repeal
1730.60	Repeal

- 4) Statutory Authority: Implementing Sections 18a-200 and 18a-307 and authorized by Section 18a-200 of the Illinois Commercial Transportation Law [625 ILCS 5/18a-200 and 18a-307].

- 5) A Complete Description of the Subjects and Issues Involved: This Part is being repealed and the subject matter is being consolidated with other rules pertaining to relocation towing at Part 1710, which is proposed for amendment in this issue of the *Illinois Register*.

- 6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this proposed amendment contain incorporations by references? No

- 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: This proposed amendment neither creates no expands any State mandate on units of local government, school districts, or community college districts.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments should be submitted within 45 days of the date of this issue of the *Illinois Register* to:

Kathy Campbell
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, Illinois 62706
217/785-1018

- 12) Initial Regulatory Flexibility Analysis:

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED REPEALER

- A) Types of small businesses, small municipalities and not for profit corporations affected: This amendment will affect those companies engaged in commercial relocation of trespassing vehicles in Cook, DuPage, Will and Kane counties that are also small businesses as defined in the Illinois Administrative Procedure Act.

- B) Reporting, bookkeeping or other procedures required for compliance:
None

- C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: the need for this rulemaking was not anticipated when the 2 most recent agendas were published.

The full text of the Proposed Repealer begins on the next page:

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED REPEALER

TITLE 92: TRANSPORTATION

CHAPTER III: ILLINOIS COMMERCE COMMISSION

SUBCHAPTER 8: RELOCATION TOWING

PART 1730

IMPOSITION OF SANCTIONS INCLUDING THE SUSPENSION OR REVOCATION OF LICENSES AND/OR THE ASSESSMENT OF CIVIL PENALTIES (REPEALED)

Section

1730.10 General Provisions -- Applicability

1730.15 Settlement in Lieu of Formal Operating Practices Proceeding

1730.20 Initiation of Operating Practices Proceeding

1730.30 Service of Order

1730.40 Respondent's Reply -- Failure to Appear at Hearing

1730.50 Civil Penalties -- Method of Payment

1730.60 Commission Order After Hearing -- Civil Penalties

AUTHORITY: Implementing Sections 18a-200 and 18a-307 and authorized by Section 18a-200 of the Illinois Commercial Relocation of Trespassing Vehicles Law (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 18a-200 and 18a-307).

SOURCE: Adopted at 6 Ill. Reg. 10544, effective August 3, 1982; codified at 8 Ill. Reg. 5158; Part recodified at 10 Ill. Reg. 18012; amended at 13 Ill. Reg. 18853, effective November 15, 1989; repealed at 21 Ill. Reg. _____, effective _____.

Section 1730.10 General Provisions -- Applicability

When the Commission has reason to believe that a person has committed an act which is a violation of the Law and rules, regulations and requirements promulgated thereunder, it may conduct an operating practices proceeding to impose sanctions including, but not limited to, the suspension or revocation of the respondent's license and/or the assessment of civil penalties. In deciding whether to conduct an operating practices proceeding, the Commission will consider, among other factors, the severity of the offense, the probability of guilt, and possible adverse effects of sudden suspension or revocation on the relocater's customers.

Section 1730.15 Settlement in Lieu of Formal Operating Practices Proceeding

Prior to the institution of formal enforcement proceedings before the Illinois Commerce Commission ("Commission") a respondent shall be given the opportunity to settle, at an informal staff level, any controversy regarding the respondent's alleged illegal activity under the Illinois Commercial Relocation of Trespassing Vehicles Law ("Law") (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 18a-100 et seq.).

- a) The Notice of Alleged Violation and Opportunity to Settle ("NAVOS") setting forth the alleged violations of the Law or rules of the

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED REPEALER

Commission shall be served on the respondent and shall specify the procedure for the respondent to exercise his option to settle. Included will be instructions to telephone or write to the specific Commission staff member assigned to the case to request and schedule a settlement conference if the respondent chooses to exercise the settlement option. The respondent shall have 20 days from the date of service to exercise his option to settle.

- b) Monetary settlements specified in the NAVOS shall be based upon the minimum and maximum amounts as set forth in Section 18c-1704(2) of the Illinois Commercial Transportation Law ("ICTL") (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 18c-1704(2)).
- c) An amount less than the minimum established in the NAVOS may be agreed upon between the staff of the Commission and the respondent during informal settlement discussions. This lesser amount shall be incorporated in a stipulated settlement agreement which shall be presented to the Commission for approval or rejection pursuant to the provisions of Section 18c-1705 of the ICML.
- d) Settlement amounts shall be determined upon consideration of the respondent's past compliance history, his cooperation with authorities in the resolution of the dispute, and his willingness to comply with the Law and Commission rules, the type of violation, the amount of revenue realized from the unlawful activities, and the number of violations.
- e) If a settlement agreement is not reached, the matter will be set for hearing before a Commission Hearing Examiner (See 83 Ill. Adm. Code 200).
- f) The respondent's right to a hearing and his position at hearing will not be prejudiced in any way if settlement is not reached.
- (Source: Added at 13 Ill. Reg. 18853, effective November 15, 1989)
- Section 1730.20 Initiation of Operating Practices Proceeding**
- a) An enforcement proceeding shall be initiated by the issuance of a Complaint which shall set forth the alleged violations of the Law. The Complaint shall be served on the respondent by certified mail, return receipt requested, at the last address known to the Commission, or by personal service if the respondent is not licensed by the Commission and service by mail cannot be accomplished.
- b) The respondent shall have 20 days from the date of service of the Complaint to file a responsive pleading with the Commission. Failure to respond within the specified time shall result in the matter being set for hearing. Notice of the time, date and place for the hearing shall be mailed to the respondent.
- c) All matters set for hearing as a result of this Section shall be conducted in accordance with 83 Ill. Adm. Code 200 (Rules of Practice) and with the provisions of Section 18c-1704 of the ICML.
- d) Respondent's failure to appear at a hearing or otherwise respond to a

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED REPEALER

complaint shall constitute a waiver of the respondent's right to contest the alleged violation(s). Commission staff shall present evidence in support of its allegations and the Commission is authorized, without further notice or hearing, to make findings and may forthwith order the imposition of sanctions including, where applicable, the assessment of a civil penalty.

(Source: Amended at 13 Ill. Reg. 18853, effective November 15, 1989)

Section 1730.30 Service of Order

Service of orders shall be made by certified mail, return receipt requested.

Section 1730.40 Respondent's Reply -- Failure to Appear at Hearing

Respondent's failure to appear at the hearing set for the violation(s) in issue, may constitute a waiver of respondent's right to appear to contest the alleged violation(s). Commission staff shall testify in support of its allegations and the Commission is authorized without further notice to find the facts to be as alleged in the order and may forthwith order the imposition of sanctions including, where applicable, the assessment of an appropriate civil penalty.

Section 1730.50 Civil Penalties -- Method of Payment

Whenever the Commission assesses a civil penalty under this Part:

- a) Payment of the civil penalty shall be made by certified or cashier's check, money order, or in installments by the foregoing means after execution of a promissory note containing an agreement for judgment;
- b) All remittances shall be made payable to the Illinois Commerce Commission and sent to Fiscal Control, Illinois Commerce Commission, 527 East Capitol Avenue, Springfield, Illinois 62706.

Section 1730.60 Commission Order After Hearing -- Civil Penalties

If, within 35 days after the service of an order assessing a civil penalty, the respondent has failed to file a complaint seeking judicial review under Section 18a-103 of the Law and has not followed the provisions of Section 1730.50 of this Part, the case shall be referred to the Attorney General with a request that an appropriate action to collect the penalty be brought in the applicable Circuit Court.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Relocation Towing
- 2) Code Citation: 92 Ill. Adm. Code 1710
- 3) Section Numbers:

1710.10	<u>Proposed Action:</u>
1710.21	Amend
1710.22	Amend
1710.31	Amend
1710.33	Amend
1710.40	Amend
1710.41	Amend
1710.42	Amend
1710.43	Amend
1710.44	Amend
1710.45	Amend
1710.46	Amend
1710.47	Amend
1710.48	Amend
1710.50	Amend
1710.51	Amend
1710.52	Amend
1710.71	Amend
1710.80	Amend
1710.81	Amend
1710.91	Amend
1710.92	Amend
1710.93	Amend
1710.100	Amend
1710.120	Amend
1710.122	Amend
1710.123	Amend
1710.130	Amend
1710.133	Amend
1710.134	Amend
1710.140	Amend
1710.141	Add
1710.142	Add
1710.143	Add
1710.144	Add
1710.145	Add
1710.146	Add
1710.150	Amend
1710.151	Amend
1710.170	Amend
1710.180	Add

- 4) Statutory Authority: Implementing Section 18a-100 and authorized by

ILLINOIS COMMERCE COMMISSION
NOTICE OF PROPOSED AMENDMENT

TITLE 92: TRANSPORTATION
CHAPTER III: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER d: RELOCATION TOWING

PART 1710
RELOCATION TOWING

SUBPART A: MISCELLANEOUS PROVISIONS

Section
1710.10

Definitions

SUBPART B: APPLICATIONS FOR RELOCATOR'S, OPERATOR'S AND
DISPATCHER'S LICENSES

Section
1710.20
1710.21
1710.22

Application Forms
Notice of Applications
Policy on Applications

SUBPART C: RELOCATOR'S, OPERATOR'S AND DISPATCHER'S LICENSES

Section
1710.30
1710.31
1710.32
1710.33

Licenses Conditioned Upon Compliance
Licenses To Be Carried by Holder
Alteration of Licenses
Relocator's Endorsement of Operator's License

SUBPART D: PROHIBITED ACTIVITIES

Section
1710.40
1710.41
1710.42
1710.43
1710.44
1710.45
1710.46

Relocating Vehicles From Authorized Spaces
Relocating Vehicles From Private Property Without Authorization From
Property Owner
Relocation of Vehicles Not in Accordance with Proper Posting
Relocating Vehicles Where Owner or Driver is Present
Operation of Unsafe Vehicles
Transacting Business at Unauthorized Locations
Posting Signs At Locations Where the Relocator Is Not Authorized To
Operate
Certain Types of Compensation to Relocators Prohibited
Compensation to Property Owners and Others

SUBPART E: POSTING OF SIGNS

Section
1710.50

Posting Requirements

ILLINOIS COMMERCE COMMISSION
NOTICE OF PROPOSED AMENDMENT

Section 18a-200 of the Illinois Commercial Transportation Law [625 ILCS
5/18a-100 and 18a-200].

5) A Complete Description of the Subjects and Issues Involved: These
proposed rules represent a rewrite of the Relocation Towing rules intended
to update references and clarify current administrative and enforcement
practices.

6) Will this proposed amendment replace an emergency amendment currently in
effect? No

7) Does this rulemaking contain an automatic repeal date: No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This proposed amendment neither
creates nor expands any state mandate on units of local government, school
districts, or community college districts.

11) Time, Place and Manner in which interested persons may comment on this
proposed rulemaking: Comments should be submitted within 45 days of the
date of this issue of the Illinois Register to:

Kathy Campbell
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62706
217/785-1018

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses affected: This amendment will affect those
companies engaged in commercial relocation of trespassing vehicles in
Cook, DuPage, Will and Kane Counties that are also small businesses
as defined in the Illinois Administrative Procedure Act.

B) Reporting, bookkeeping or other procedures required for compliance:
None

C) Types of professional skills necessary for compliance: None

The full text of the Proposed Amendment begins on the next page:

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

1710.51 Sign Specifications
1710.52 Removal of Signs

SUBPART F: VEHICLE IDENTIFICATION

Section
1710.60

Vehicle Identification Requirement

SUBPART G: INSURANCE REQUIREMENTS

Section
1710.70
1710.71
1710.72

Licenses Conditioned Upon Compliance With Insurance Requirements.
Proof of Insurance or Bond Coverage
Relocator's Liability

SUBPART H: REQUIRED NOTIFICATIONS

Section
1710.80
1710.81

Notification of Law Enforcement Agencies
Notification of the Commission

SUBPART I: BOOKS AND RECORDS

Section
1710.90
1710.91
1710.92
1710.93

Records of Individual Relocation Tows (Repealed)
Written Authorizations to Relocate/Contracts
Accounting and Maintenance of Books and Records
Audit and Inspection of Books and Records

SUBPART J: ANNUAL REPORTS

Section
1710.100

Filing Requirements

SUBPART K: INFORMATION PROVIDED TO THE PUBLIC BY RELOCATORS

Section
1710.110
1710.111

Public Information Pamphlets
Informal Complaint Form

SUBPART L: RECLAIMING RELOCATED VEHICLES

Section
1710.120
1710.121
1710.122
1710.123

Conditions Under Which Vehicles Are To Be Released
Identification of Vehicle Owner or Driver
Payment of Fees and Chargers
Hours During Which Vehicles May Be Reclaimed

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

SUBPART M: STORAGE LOTS

Section
1710.130
1710.131
1710.132
1710.133
1710.134

Ownership and Identification of Storage Lots
Security of Storage Lots
Attendance at Storage Lots
Maintenance of Records at Storage Lots
Secondary Storage Lots

SUBPART N: ENFORCEMENT

Section
1710.140
1710.141
1710.142
1710.143
1710.144
1710.145
1710.146

Imposition of Sanctions Revocation-of-Licenses
Informal Settlement in Lieu of Formal Proceeding
Initiation of Operating Practices Proceeding
Failure to Appear at Hearing
Service of Order
Standards for the Assessment of Civil Penalties
Payment of Civil Penalties

SUBPART O: LEASING

Section
1710.150
1710.151
1710.152

Adoption-by-Reference-of Leasing Requirements
Supervision and Control of Leased Equipment with Drivers
Leases to be Exclusive

SUBPART P: FEES

Section
1710.160

Fees

SUBPART Q: RECORDS OF INDIVIDUAL RELOCATION TOWS

Section
1710.170
1710.171
1710.172

Relocation Tow Record Form
Use and Retention of Relocation Tow Record Forms
Public Notice

SUBPART R: DISPOSITION OF UNCLAIMED VEHICLES

1710.180

Disposition of Unclaimed Vehicles

AUTHORITY: Implementing Section 18a-100 and authorized by Section 18a-200 of the Illinois Commercial Relocation of Trespassing Vehicles Law [625 ILCS 5/18a-100 and 18a-200].

SOURCE: Adopted at 3 Ill. Reg. 22, p. 49, effective May 28, 1979; amended at 7

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

1) ~~Crimes--Considered-by-Commission-~~ The Commission shall consider, with regard to applications for new or renewed operator's and dispatcher's licenses, any record of the applicant of convictions involving injury or death to persons, use of a deadly weapon, injury to property, or unlawful taking of property; crimes relevant to the determination of the credibility of a witness; or of violation of the Law or this Part.

2) ~~Temporary---License---Applications-~~ No provisional temporary licenses shall be issued to persons who have been convicted of such crimes within the 5 year period preceding filing of the application, or to persons who are defendants in pending criminal proceedings involving such crimes. The Commission may deny a provisional temporary license to any person with a record of violations of the Law or this Part. In determining whether to deny a provisional temporary license on the basis of violations of the Law or this Part, the Commission will consider such factors as the type of violation, when the violation occurred, and the age of the applicant at the time of the violation. The Commission may also deny a provisional temporary license on the basis of the applicant's criminal or driving record, in the case of an application for a provisional temporary operator's license; or on the basis of the applicant's criminal record, in the case of an application for a provisional temporary dispatcher's license. In determining whether to deny a provisional temporary license on the basis of a criminal or driving record, the Commission will consider such factors as the type of crime, when the crime occurred, and the age of the applicant at the time of the incident.

3) ~~Permanent-Bicense-Applications-~~ Where the applicant has a record of convictions for such crimes, or where the applicant was convicted for such crimes, or where the applicant was convicted more than 5 years prior to filing the application, or where the applicant has a record of violations of the Law or this Part, the application for a permanent license shall be set for hearing. Applications shall be accompanied by written proof from the Secretary of State that the applicant has a valid driver's license.

c) In making the finding that an applicant previously convicted constitutes no threat to public safety (see 625 ILCS 5/18a-404(c)) ~~Ill--Rev--Stat--1985--ch--95-1/27--par--18a-404(c)}~~, the Commission will consider such factors as the findings of the convicting court, the sentence imposed, the age of the applicant at the time of conviction, the age at the time of application, the nature of the arrest, and the length of time since the arrest that resulted in the conviction.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

SUBPART C: RELOCATOR'S, OPERATOR'S AND DISPATCHER'S LICENSES

Section 1710.31 Licenses to be Carried by Holder

- a) ~~Relocator's--Licenses-~~ Each vehicle operator under authority of a relocater's license must carry a copy of the license in its cab. The copy shall be presented to any investigator or enforcement officer of the Commission on request.
- b) ~~Operator's-and-Dispatcher's-Licenses-~~ Each operator and dispatcher must carry the operator's or dispatcher's license issued to him at all times while on duty. The license shall be presented to any investigator or enforcement officer of the Commission on request.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 1710.33 Relocator's Endorsement of Operator's License

- a) ~~Endorsement---required-~~ Operators are licensed to operate only under authority of a relocater's license. As evidence that operations are under authority of a relocater's license, an owner or officer of the relocater must endorse the license by completing a form showing:

- 1) The name and license number of the operator as they appear on the operator's license;
- 2) The name and license number of the relocater, as they appear on the relocater's license; and
- 3) A statement that "the referenced operator's license is endorsed by the referenced relocater," followed by the signature of the owner or officer and a statement of the capacity of the signatory.

b) ~~Making---and---cancellation---of---endorsements-~~ Endorsements of an operator's license, once made by a relocater, shall become effective only when a copy is filed with the Commission. The endorsement shall remain in effect until written notice of cancellation is filed with the Commission.

c) ~~Operation---without-endorsement-~~ Operation under an operator's license which does not have a valid, current endorsement by a licensed relocater is not authorized by the relocater's license and shall constitute relocating without a license in violation of Section 18a-300(1) of the Law [625 ILCS 5/18a-300(1)] ~~Ill--Rev--Stat--1985--ch--95-1/27--par--18a-300(1)}~~.

d) ~~Employment-or-use-of-operator-without-endorsement-~~ Employment or use of any operator who does not have a valid, current endorsement by the relocater shall constitute the employment or use of an unlicensed operator in violation of Section 18a-300(2) of the Law [625 ILCS 5/18a-300(2)] ~~Ill--Rev--Stat--1985--ch--95-1/27--par--18a-300(2)}~~.

e) ~~Endorsement-to-be-carried-in-vehicle-~~ A valid, current endorsement shall be affixed to and carried in the vehicle with the operator's

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

license at all times when the vehicle is being operated under authority of the relocater's license.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

SUBPART D: PROHIBITED ACTIVITIES

Section 1710.40 Relocating Vehicles From Authorized Spaces

- a) No vehicle shall be relocated if it is parked in a space on private property where it is authorized to be parked.
- b) Relocated vehicles must be towed directly from the initial point of the tow to the relocater's facility that is indicated on the relocater's signs posted on the property in conformance with Section 1710.51.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 1710.41 Relocating Vehicles From Private Property Without Authorization From Property Owner

- a) No vehicle shall be relocated from private property without express, written authorization from the property owner, lessee, or agent in conformance with Section 1710.91.
- b) The authorization must either direct the relocater to remove the specific vehicle in question or authorize the relocater to remove all unauthorized vehicles from the property.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 1710.42 Relocation of Vehicles Not in Accordance with Proper Posting

- a) ~~Relocating-vehicles-from-unposted-lots-~~ No vehicle shall be relocated from a lot which does not, at the time of the tow and for at least 24 hours prior thereto, have signs posted in compliance with this Part.
- b) ~~Relocating-vehicles-to-unposted-lots-~~ No vehicle shall be relocated to a storage lot or facility that is not identified on signs posted in compliance with Section 1710.50 at the location from which the vehicle is relocated. No vehicle shall be subsequently transported to any other lot or facility except in compliance with Section 1710.134.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 1710.43 Relocating Vehicles Where Owner or Driver is Present

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

No vehicle shall be relocated where the owner of the vehicle or the owner's agent is present or arrives on the scene before the vehicle is completely removed from the private property, produces the ignition key to the vehicle, and ~~offers-to-immediately-remove-the-vehicle-from-the-private-property,~~ and ~~provided-that the owner or agent is able and does immediately remove the vehicle from the private property.~~

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 1710.44 Operation of Unsafe Vehicles

No relocater shall operate any vehicle which does not display a valid Illinois Safety Test Inspection Sticker and conform to the requirements of 625 ILCS 5/12-606. ~~has-not-been-inspected-and-passed-by-the-illinois-Department-of-transportation-~~

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 1710.45 Transacting Business at Unauthorized Locations

No relocater, relocater agent, or operator shall transact any part of the relocater's ~~its~~ business, other than the identification of vehicles to be relocated and the transportation of relocated vehicles to the relocater's storage lot, at any location until after the relocater has given notice of the location to the Commission in accordance with this Part.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 1710.46 Posting Signs at Locations Where the Relocator Is Not Authorized to Operate

- a) No relocater shall post a sign at a location in an incorporated area more than 10 air miles from a storage lot to which the relocater can relocate vehicles in compliance with this Part.
- b) No relocater shall post a sign at a location in an unincorporated area more than 15 air miles from a storage lot to which the relocater can relocate vehicles in compliance with this Part.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 1710.47 Certain Types of Compensation to Relocators Prohibited

- a) Except as provided in subsection (b) of this Section, no relocater shall demand, collect, or receive anything of value or compensation

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

for or in relation to its relocation business:

- 1) From the property owner, lessee, or their agents, or from any person other than the relocated vehicle's owner or owner's agent of--the--relocated--vehicle, except according to terms in the contract entered into between the property owner or lessee and the relocater;
- 2) From the vehicle owner, lessee, or their agents:
 - A) Greater than the amount posted on the signs posted on the private property from which the vehicle was relocated;
 - B) Greater than or other than the rates prescribed by the Commission; or
 - C) Where the relocation was not performed in compliance with the Law and this Part.
- b) Storage fees prescribed by the Commission need not be posted on signs at locations from which vehicles are towed, but must be posted at locations at which vehicles may be reclaimed.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 1710.48 Compensation to Property Owners and Others

- a) No rebate, payment of money, or any other valuable consideration shall be paid for the privilege of removing or towing vehicles by the relocater, its agents, or employees to the owners or operator of the premises from which a vehicle is removed or towed. Nothing of any value shall be offered or given by a relocater to any property owner.
- b) No person other than a director, officer, partner, stockholder, employee, or agent of the relocater shall receive from a relocater anything of value or compensation for or in relation to the relocater's business.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

SUBPART E: POSTING OF SIGNS

Section 1710.50 Posting Requirements

Signs meeting the specifications of Section 18a-302 of the Law [625 ILCS 5/18a-302] [Rev. Stat. 1985, Ch. 95-1/2, par. 18a-302] and Section 1710.51 shall be posted on each lot from which a relocater is authorized to remove unauthorized vehicles. Such signs must be posted at least 24 hours before any vehicle is relocated from the lot.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

Section 1710.51 Sign Specifications

- a) Those portions of the sign warning that unauthorized vehicles will be relocated must be in characters at least 3 inches in height, in colors contrasting with the background of the sign. Other portions of the sign must be in characters at least 1 inch in height, in colors likewise contrasting with the background of the sign.
- b) Each sign must contain the following information:
 - 1) A general statement indicating who is authorized to park--on--the lot--the--statement--may refer to classes of persons--as well as individuals;
 - 2) A warning that unauthorized vehicles will be relocated;
 - 3) The full legal name of the relocater as it appears on the relocater's license, the address and telephone number of the relocater, and the address and telephone number of the location to which the vehicle will be relocated and at which it can be reclaimed, if different from the address of the relocater;
 - 34) The maximum fee which the relocater will charge the vehicle's owner or owner's agent of--the--vehicle as a condition of reclaiming the vehicle, and any restrictions on the form of payment which will be accepted by the relocater, provided that no sign shall indicate a restriction on the form of acceptable payment that is contrary to Section 1710.122(a); and
 - 45) The hours during which the owner or owner's agent can reclaim the vehicle, and when the relocater is closed to the public due to observation of holidays or otherwise. To the extent that a sign does not show limitation on hours or days when the vehicle can be reclaimed, the sign shall constitute a representation that the vehicle can be reclaimed at any time or on any day.
- c) Such signs must be located within 50 feet of--any--space--from--which vehicles may be relocated;
- cd) Such signs must be visible and readable from all entrances and exits both during the day and at night, free of any natural or man-made interference and visible from each entrance and exit, both during the day and night, and, where there are no entrances or exits designated by curb cut or otherwise, such signs must be located within 100 feet of any space from which vehicles may be relocated.
- de) No more than one location to which the vehicle may be relocated and at which the vehicle can be reclaimed shall be identified on any sign or posted at any lot from which vehicles may be relocated.
- e) All posting is subject to Commission inspection and approval.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 1710.52 Removal of Signs

The relocater must remove all signs from private property within 10 days after:

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

~~the contract with the property owner, lessee, or agent expires, or the written authorization is withdrawn:~~

- a) the relocater receives notice of termination of the contract; or
- b) the contract with property owner, lessee or agent expires; or
- c) authorization from the property owner, lessee or agent is withdrawn.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

SUBPART G: INSURANCE REQUIREMENTS

Section 1710.71 Proof of Insurance or Bond Coverage

- a) Proof of insurance or bond coverage or cancellation shall be on forms E, H, and K prescribed by the Commission or on forms prescribed by the Interstate Commerce Commission (now the Federal Highway Administration) under 49 CFR 1023 as of December 1, 1986. The filing of such proof shall constitute acceptance of the minimum terms required by Section 18a-301 of the Law [625 ILCS 5/18a-301] ~~which~~ **Rev. Stat. 1985, Ch. 95-1/2, par. 18a-301**, prescribed in this Part, or such higher levels of coverage as stated in the policy or set forth on the certificate of insurance, and shall bind the insurance company thereto. Such coverage shall remain in effect until a cancellation form is filed with the Commission or the coverage is superseded by filing a subsequent certificate of insurance.
- b) No incorporation in this Section adopts any later amendments or editions.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

SUBPART H: REQUIRED NOTIFICATIONS

Section 1710.80 Notification of Law Enforcement Agencies

- a) Not later than 1 hour after a vehicle is relocated, the relocater shall notify the law enforcement agency having jurisdiction in the area from which the vehicle was relocated. Such notification shall be confirmed in writing by first class U.S. mail within 24 hours after the vehicle is relocated and shall include all information set forth in subsection (c).
- b) Any relocater in possession of a vehicle that has remained unclaimed for a period of 15 days after having been towed shall, within 5 days after the expiration of that period, report the vehicle as unclaimed. The report shall be made to the municipal police having jurisdiction over the location from which the vehicle was towed if the vehicle was towed from a location within the corporate limits of any city, village or incorporated town. The report shall be made to the County Sheriff or

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

or State Police having jurisdiction over the location from which the vehicle was towed if the vehicle was towed from a location that is outside of the corporate limits of a city, village, or incorporated town.

(b) Notification shall include:

- 1) The name, address, and telephone number of the relocater;
- 2) The license number of the relocater;
- 3) The color, make, model, and license number of the vehicle relocated;
- 4) The date and time of the relocation; and
- 5) The address of the property from which the vehicle was relocated, and the address to which the vehicle was relocated; and
- 6) the Vehicle Identification Number (VIN).

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 1710.81 Notification of the Commission

- a) ~~Locations at which the relocater transacts business.~~ The Commission must be notified in writing of the address and telephone of each facility at which the relocater will conduct any part of its business before any business may be transacted by the relocater at that location. Locations subject to this requirement include offices, dispatching stations, storage yards, and any other locations used in the conduct of the relocater's business.
- b) ~~Ownership and control of the relocater.~~ The relocater must notify the Commission in writing of any change in the names and addresses of persons who hold greater than 5 percent ownership or control in the relocater. Such notification must be given within 7 calendar days after the change occurs.
- c) Criminal Records.
 - 1) The relocater must notify the Commission immediately in writing of the arrest or conviction of any owner, controller, director, officer, employee or agent of a relocater for crimes of the type which would be considered in granting or denying a relocater's license.
 - 2) Any owner, controller, director, officer, employee, or agent of a relocater must notify the relocater immediately, in writing, of his or her arrest or conviction for crimes of the type which would be considered in granting or denying a relocater's license.
- d) ~~Employment status of operators and dispatchers.~~ The relocater must notify the Commission immediately in writing of the employment, termination or leave of absence of any operator or dispatcher. The actions of an operator or dispatcher within the scope of his employment will be inputted to the relocater until the receipt stamp or postmark date of the notice of termination or leave of absence.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

(Source: Amended at 21 Ill. Reg. _____, effective _____)

SUBPART I: BOOKS AND RECORDS

Section 1710.91 Written Authorizations to Relocate/Contracts

a) Each relocater shall maintain a file of all written authorizations to relocate vehicles, and contracts relating thereto.

b) Each contract between a relocater and one or more property owners, lessees, or agents shall state:

1) The name of the relocater and all other parties to the contract;

2) The location of each property to which the contract applies;

3) A description of all services to be provided by the relocater; and

4) A description of all compensation to be received by the relocater.

c) Each contract shall also provide that:

1) Signs posted on the property in compliance with this Part are the property of the relocater;

2) The relocater has the right to enter the property for purposes of posting and removing signs;

3) The contract shall not be terminated except on 10 days notice; and

4) The contract is the exclusive statement of terms between the parties.

d) The provisions required under subsection (c) shall be implied if not expressly stated in the contract.

e) The provisions of subsections (c)(1) and (c)(2) shall remain in effect until all signs have been removed by the relocater, notwithstanding the termination of the contract for other purposes.

f) Contract Summary.

1) No authorization to tow or contract shall be effective until a completed copy of the Commission's Relocator Contract Summary form covering the authorization or contract has been filed/received by U.S. mail, hand delivery, facsimile, or electronic filing, and accepted by the Commission.

2) Only one authorization to tow or contract shall be in effect for any lot at any time. No other authorization or contract shall become effective until the prior authorization has been cancelled and notice of cancellation is filed with the Commission.

3) Relocator Contract Summaries and notices of cancellation shall be filed with the Commission at the following address:

Illinois Commerce Commission
Transportation Division
100-Industrial-Drive-Suite-232
Eimhurst, IL 60126

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

477 South River Road
Des Plaines, Illinois 60016

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 1710.92 Accounting and Maintenance of Books and Records

a) Each relocater shall comply with generally accepted accounting principles for use in the keeping and recording of their accounts and bookkeeping records.

b) As generally accepted accounting principles, the Commission incorporates by reference "Accounting Standards" (June 1992) of the Financial Accounting Standards Board.

c) Each relocater shall keep its general accounting books and all other books, records and memoranda which support in any way the entries to such accounting books and analyses of general ledger account balances so that it can furnish at any time full information as to any account. Moreover, it shall support each entry to each account with such detailed information as will provide a ready analysis and verification of the facts recorded therein. All expenditures must be definitely supported by vouchers, payrolls, receipted bills, canceled checks, receipts for petty cash payments, or other evidence of the expenditures incurred. All revenues must be supported by freight bills or, in the case of income from a lease, other documentation which evidences the revenue received.

d) The books referred to in this Section include not only books of account in a limited technical sense but all other correspondence, memoranda, etc., which will be useful in developing the history of or facts regarding any transaction.

e) Any relocater engaged directly or indirectly in any other than a relocation business shall keep separate and distinct records for the relocation operation.

f) Each carrier shall keep its books on the basis of an accounting year of 12 months ending on December 31 of each year.

g) Each relocater shall preserve such books, accounts, records or memoranda for a period of at least 3 years.

h) Each relocater shall maintain its books and records for 3 years at its principal place of business or at the office of its accountant. The Commission shall at all times be notified of the location at which the books and records are being kept.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 1710.93 Audit and Inspection of Books and Records

Each relocater shall permit any investigator, police officer, or auditor of the

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

Each lot to which vehicles may be transported or at which vehicles may be stored must be:

- Owned by or under written lease for the exclusive use of the relocater; and
- Identified as the property of the relocater by one or more signs meeting the specifications of Section 18a-302 of the Law [625 ILCS 5/18a-302] (1117-Rev--Stat--1985;--ch--95-1/2;--par--18a-302) and Section 1710.51 of this Part.

Section 1710.133 Maintenance of Records at Storage Lots

Records of all vehicles relocated during the previous year to a lot to which vehicles may be transported or at which vehicles may be stored must be maintained on the premises and made available for inspection by authorized Commission investigators, police officers or auditors.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 1710.134 Secondary Storage Lots

A licensed relocater may utilize secondary storage lots for the storage of unclaimed vehicles subject to the following conditions:

- any such lot must be owned by or under written lease for the exclusive use of the relocater; and
- the relocater must have notified the Commission of the location of all such lots prior to the use of such lots;
- a vehicle may not be moved to a secondary storage lot unless it has remained unclaimed for a period of ten-(10) days from the date of relocation to the relocater's primary storage lot;
- the relocater shall be required to retrieve within the time specified in Section 1710.120(a) 24-hours any vehicle stored at a secondary lot upon proper reclaiming of such vehicle in accordance with Section 1710.120 of this Part; and
- the relocater may not charge a vehicle owner any storage or transportation charge for the period of time necessary to retrieve a vehicle stored at a secondary lot.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

SUBPART N: ENFORCEMENT

Section 1710.140 Imposition of Sanctions Revocation-of-License

~~The Commission shall revoke a license issued to a relocater, operator, or dispatcher where the person has:~~

- ~~Obtained the license by fraud or misrepresentation; or~~

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

- ~~Been shown to no longer meet the requirements of Section 1710.22(a) and (b);~~

When the Commission has reason to believe that a person has committed an act which is a violation of the Law or this Part, it may conduct an operating practices proceeding to impose sanctions including, but not limited to, the suspension or revocation of the respondent's license and/or the assessment of civil penalties. In deciding whether to conduct an operating practices proceeding, the Commission will consider, among other factors, the severity of the offense, the probability of guilt, and possible effects of sudden suspension or revocation on the relocater's customers.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 1710.141 Informal Settlement in Lieu of Formal Proceeding

Prior to the institution of formal enforcement proceedings before the Commission a respondent shall be given the opportunity to settle, at an informal staff level, any controversy regarding the respondent's alleged illegal activity under the Law.

- The Notice of Alleged Violation and Opportunity to Settle (NAVOS) setting forth the alleged violations of the Law or this Part shall be served on the respondent and shall specify the procedure for the respondent to exercise his option to settle. Included will be instructions to telephone or write to the specific Commission staff member assigned to the case to request and schedule a settlement conference if the respondent chooses to exercise the settlement option. The respondent shall have 20 days from the date of service to exercise his option to settle.
- Monetary settlements specified in the NAVOS shall be based upon the minimum and maximum amounts as set forth in Section 18c-1704(2) of the Illinois Commercial Transportation Law (ICTL) [625 ILCS 5/18c-1704(2)].
- An amount less than the minimum established in the NAVOS may be agreed upon between the staff of the Commission and the respondent during informal settlement discussions. This lesser amount shall be incorporated in a stipulated settlement agreement which shall be presented to the Commission for approval or rejection pursuant to the provisions of Section 18c-705 of the ICTL.
- Settlement amounts shall be determined upon consideration of the respondent's past compliance history, his cooperation with authorities in the resolution of the dispute, his willingness to comply with the Law and this Part the type of violation, the amount of revenue realized from the unlawful activities, and the number of violations. If a settlement agreement is not reached, the matter will be set for hearing before a Commission Hearing Examiner (see 83 Ill. Adm. Code 200).
- The respondent's right to a hearing and his position at hearing will

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

not be prejudiced in any way if settlement is not reached.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 1710.142 Initiation of Operating Practices Proceeding

- a) An enforcement proceeding shall be initiated by the issuance of a Complaint which shall set forth the alleged violations of the Law. The Complaint shall be served on the respondent by certified mail, return receipt requested, at the last address known to the Commission, or by personal service if the respondent is not licensed by the Commission and service by mail cannot be accomplished.
- b) The respondent shall have 20 days from the date of service of the Complaint to file a responsive pleading with the Commission. Failure to respond within the specified time shall result in the matter being set for hearing. Notice of the time, date and place for the hearing shall be mailed to the respondent.
- c) All matters set for hearing as a result of this Section shall be conducted in accordance with 83 Ill. Adm. Code 200 (Rules of Practice) and with the provisions of Section 18c-1704 of the ICTL.
- d) Respondent's failure to appear at a hearing or otherwise respond to a complaint shall constitute a waiver of the respondent's right to contest the alleged violation(s). Commission staff shall present evidence in support of its allegations and the Commission is authorized, without further notice or hearing, to make findings and may forthwith order the imposition of any applicable sanction.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 1710.143 Failure to Appear at Hearing

Respondent's failure to appear at the hearing set for the violation(s) in issue may constitute a waiver of respondent's right to appear to contest the alleged violation(s). Commission staff shall testify in support of its allegations and the Commission is authorized without further notice to find the facts to be as alleged in the order and may forthwith order the imposition of any applicable sanction.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 1710.144 Service of Order

Service of orders shall be made by certified mail, return receipt requested.

(Source: Added at 21 Ill. Reg. _____, effective _____)

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

_____)

Section 1710.145 Standards for the Assessment of Civil Penalties

- a) In determining whether to assess civil penalties the Commission shall consider the following factors:
- 1) the lack of mitigating circumstances including:
 - A) whether the violation's occurrence was attributable to causes beyond the respondent's control rather than to respondent's fault or intent; and
 - B) whether the violation's occurrence was attributable to action by the Commission which precluded compliance;
 - 2) the lack of good faith or intent including:
 - A) the past compliance history of the respondent; and
 - B) whether a violation is the result of willful conduct or comes about through mistake, inadvertence, or negligence;
 - 3) the financial ability of the respondent to pay the penalties assessed;
 - 4) the degree to which the violative conduct was harmful to the public; and
 - 5) the financial benefit accruing to the respondent as a result of its illegal activities.
- b) If it is determined that a civil penalty shall be assessed, the amount of the civil penalty shall be determined in accordance with the following procedure:
- 1) A numerical value of from 0 to 5 shall be assigned to each of the factors specified in subsections (a)(1), (2), (3), (4), and (5) above;
 - 2) The values assigned will be summed. The sum will be divided by the maximum possible weighted value per violation (25) and then multiplied by the maximum possible penalty per violation (\$500). The result will be the civil penalty which the Commission will seek to assess against the respondent.
 - c) The Commission's consideration shall be limited to only those violations for which evidence exists. It shall be the burden of the respondent to establish a compelling reason why the civil penalty should be mitigated.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 1710.146 Payment of Civil Penalties

Whenever the Commission assesses a civil penalty under this Part:

- a) Payment of the civil penalty shall be made by certified or cashier's check, money order, or in installments by the foregoing means after execution of a promissory note containing an agreement for judgment;
- b) All remittances shall be made payable to the Illinois Commerce

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

Commission and sent to Transportation Regulatory Fund, Illinois Commerce Commission, 527 East Capitol Avenue, Springfield, Illinois 62706.

(Source: Added at 21 Ill. Reg. _____, effective _____)

SUBPART O: LEASING

Section 1710.150 Adoption-by-Reference-of Leasing Requirements

~~The Commission adopts--92--Ill--Adm--Code--1369--as--its--leasing--regulations--for--relocators--except--that--there--shall--be--no--fee--for--the--filing--of--relocator--leases--No--equipment--with--driver--can--be--lawfully--leased--or--utilized--by--a--relocator--except--in--accordance--with--such--regulations--~~
Licensed relocators may perform relocation towing with equipment they do not own only in accordance with the provisions of this Subpart.

- a) Each lease must be executed on the lease form provided by the Commission.
- b) A lease subject to this Part must be between the owner of the equipment (the lessor) and the relocater to which the equipment is leased (the lessee). The lease must be signed by each party or its authorized representative.
- c) The original and 2 copies of each completed (signed and dated) lease to which this Part applies must be filed with the Commission's Transportation Division at the following address:

Illinois Commerce Commission
Transportation Division
477 South River Road
Des Plaines, IL 60016

- d) A filing fee as prescribed in Section 1710.160 of this Part shall be remitted with each lease.
- e) No operations shall be conducted under a lease to which this Part applies until a copy of the completed lease has been filed with Commission at the address specified above.
- f) When the lessee takes or relinquishes possession of the equipment the relocater shall give the owner of the equipment a receipt stating the date and time of day possession is transferred.
- g) During the period of the lease, the lessee shall identify the equipment by attaching a placard with the identification of the lessee in compliance with Section 1710.60 of this Part. A copy of the approved executed lease shall be carried in each piece of equipment covered thereby.
- h) A copy the completed written lease shall be retained as part of the lessee's records.
- i) The term of the lease shall not exceed 3 years. In the event that a

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

relocator wishes to cancel a lease prior to the expiration date, it may file a notice of cancellation with the Commission at the address above. Otherwise, the lease shall remain in effect until the expiration date stated in the lease or at the end of 3 years, whichever occurs first.

- il) In the event that the license held by the lessee is revoked the lease shall no longer be valid.
- kl) In the event that the lessee undertakes a name change the lease shall be void from the date of the name change unless the lessee files an amendment to the lease showing the changes.
- l) Any term of a lease which conflicts with the Illinois Commercial Transportation Law, Commission rules, or Commission orders is void.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 1710.151 Supervision and Control of Leased Equipment with Drivers

- a) The relocater shall be responsible and liable for all operations under the authority of its license and for supervision and control of all equipment and drivers used in such operations.
- b) The relocater shall be responsible regardless of whether the equipment is owned or leased by the relocater.
- c) All drivers and other personnel used by a relocater must be employees of the relocater.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

SUBPART Q: RECORDS OF INDIVIDUAL RELOCATION TOWS

Section 1710.170 Relocation Tow Record Form

- a) Relocation Tow Record Forms or Relocation Tow Record Numbers must be purchased from the Commission.
- be) A Relocation Tow Record Form or a form identified with a Relocation Tow Record Number and conforming to a Relocation Tow Record Form form purchased from the Commission must be completed at the time of relocation for each relocation a relocater performs, whether or not the relocated vehicle is subsequently reclaimed. The form will consist of an original and two copies. Each form will be identified by a serial number, which will also be printed on the copies.
- cb) The Relocation Tow Record Forms and Relocation Tow Record Numbers forms will be available only at the Commission's office at 477 South River Road, Des Plaines, Illinois 60016, (847) 294-4326 100-Industrial Drive-Suite-327-Elmhurst-Illinois-60126-(708)-530-6700. The forms and numbers may be ordered from the Commission by sending a written request specifying the number of forms or numbers desired along with

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

payment, or may be obtained in person during normal business hours.

de) The price charged for the Relocation Tow Record Forms and the Relocation Tow Record Numbers forms shall be ~~five--dollars--(\$~~ \$5.00) per form or number.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

SUBPART R: DISPOSITION OF UNCLAIMED VEHICLES

Section 1710.180 Disposition of Unclaimed Vehicles

Unclaimed vehicles shall be disposed of in accordance with 625 ILCS 5/4-208 and 625 ILCS 5/4-209.

(Source: Added at 21 Ill. Reg. _____, effective _____)

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED REPEALER

1) Heading of the Part: Standards for the Assessment of Civil Penalties (General Order 4(R))

2) Code Citation: 92 Ill. Adm. Code 1740

3) <u>Section Numbers:</u>	<u>Proposed Action:</u>
1740.10	Repeal
1740.20	Repeal
1740.30	Repeal
1740.40	Repeal
1740.50	Repeal
1740.60	Repeal

4) Statutory Authority: Implementing Sections 18a-200 and 18-307 and authorized by Section 18a-200 of the Illinois Commercial Transportation Law [625 ILCS 5/18a-200 and 18a-307].

5) A Complete Description of the Subjects and Issues Involved: This Part is being repealed and the subject matter is being consolidated with other rules pertaining to relocation towing (at Part 1710, Subpart E: Enforcement) which is proposed for amendment in this issue of the Illinois Register.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This proposed amendment neither creates nor expands any state mandate on units of local government, school districts, or community college districts.

11) Time, Place and Manner in which interested persons may comment on this Proposed rulemaking: Comments should be submitted within 45 days of the date of this issue of the Illinois Register to:

Kathy Campbell
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62706
217/785-1018

12) Initial Regulatory Flexibility Analysis:

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED REPEALER

A) Types of small businesses, small municipalities and not for profit corporations affected: This amendment will affect those companies engaged in commercial relocation of trespassing vehicles in Cook, DuPage, Will and Kane counties that are also small businesses as defined in the Illinois Administrative Procedure Act.

B) Reporting, bookkeeping or other procedures required for compliance:
None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: the need for this rulemaking was not anticipated when the 2 most recent agendas were published.

The full text of the Proposed Repealer begins on the next page:

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED REPEALER

TITLE 92: TRANSPORTATION
CHAPTER III: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER d: RELOCATION TOWING

PART 1740

STANDARDS FOR THE ASSESSMENT OF CIVIL PENALTIES
(GENERAL ORDER 4 (R)) (REPEALED)

Section

- 1740.10 The Standard of Lack of Mitigating Circumstances
- 1740.20 The Standard of Lack of Good Faith or Intent
- 1740.30 The Standard of Ability to Pay
- 1740.40 Degree of Harm to Public; Extent of Violative Conduct
- 1740.50 Financial Benefit Accruing to the Violator
- 1740.60 Determination of Civil Penalties

AUTHORITY: Implementing and authorized by Section 18a-200 of the Illinois Commercial Relocation of Trespassing Vehicles Law (Ill. Rev. Stat. 1985, ch. 95 1/2, par. 18a-200).

SOURCE: Adopted at 6 Ill. Reg. 10548, effective August 13, 1982; codified at 8 Ill. Reg. 5159; Part recodified at 10 Ill. Reg. 18012; repealed at 21 Ill. Reg. _____, effective _____.

Section 1740.10 The Standard of Lack of Mitigating Circumstances

In both situations set forth below, it shall be the burden of the respondent to establish a compelling reason why the civil penalty should be mitigated.

- a) The violation's occurrence was attributable to causes beyond respondent's control rather than to respondent's fault or intent.
- b) The violation's occurrence was attributable to action by the Commission which precluded compliance.

Section 1740.20 The Standard of Lack of Good Faith or Intent

- a) Included under this standard is the past compliance history of the respondent.
- b) Under this standard, the assessment should consider whether a violation is the result of willful conduct or comes about through mistake, inadvertence, or negligence.

Section 1740.30 The Standard of Ability to Pay

The assessment should consider the financial ability of the respondent to pay the penalties assessed.

Section 1740.40 Degree of Harm to Public; Extent of Violative Conduct

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED REPEALER

In considering the amount of the penalty to be assessed, consideration shall be limited to only those violations for which evidence exists. The assessment of penalties shall consider the injury which affected the public interest.

Section 1740.50 Financial Benefit Accruing to the Violator

The assessment of penalties may consider the amount of money which accrued to the respondent as a result of its illegal activities.

Section 1740.60 Determination of Civil Penalties

- a) Civil penalties shall be determined in accordance with the following procedure:
 - b) A numerical value of from 0 to 5 shall be assigned to each of the following factors:
 - 1) the standard of lack of mitigating circumstances;
 - 2) the standard of lack of good faith or intent;
 - 3) the standard of ability to pay;
 - 4) the degree of harm to the public--extent of violative conduct;
 - 5) the financial benefit accruing to the respondent.
 - c) The values assigned will be summed. The sum will be divided by the maximum possible weighted value per violation (25) and then multiplied by the maximum possible penalty per violation (\$500). The result will be the civil penalty which the Commission will seek to assess against the respondent.

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Uniform System of Accounts for Relocators
- 2) Code Citation: 92 Ill. Adm. Code 1720
- 3) Section Numbers: 1720.10
Proposed Action: Repeal
- 4) Statutory Authority: Implementing and authorized by Section 18a-200 of the Illinois Commercial Transportation Law [625 ILCS 5/18a-200].
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being repealed and the subject matter is being consolidated with other rules pertaining to relocation towing (at Part 1710, Subpart E: Enforcement) which is proposed for amendment in this issue of the *Illinois Register*.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect?
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This proposed amendment neither creates nor expands any state mandate on units of local government, school districts, or community college districts.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments should be submitted within 45 days of the date of this issue of the *Illinois Register* to:

Kathy Campbell
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62706
217/785-1018

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: This amendment will affect those companies engaged in commercial relocation of trespassing vehicles in Cook, DuPage, Will and Kane counties that are also small businesses as defined in the Illinois Administrative Procedure Act.

B) Reporting, bookkeeping or other procedures required for compliance:

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED REPEALER

None

- C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: the need for this rulemaking was not anticipated when the most recent agendas were published.

The full text of the Proposed Repealer begins on the next page:

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED REPEALER

TITLE 92: TRANSPORTATION

CHAPTER III: ILLINOIS COMMERCE COMMISSION

SUBCHAPTER d: RELOCATION TOWING

PART 1720

UNIFORM SYSTEM OF ACCOUNTS FOR RELOCATORS (REPEALED)

Section

1720.10 Adoption of 92 Ill. Adm. Code 1375 by Reference

AUTHORITY: Implementing and authorized by Section 18a-200 of the Illinois Commercial Relocation of Trespassing Vehicles Law (Ill. Rev. Stat. 1985, ch. 95 1/2, par. 18a-200).

SOURCE: Adopted at 3 Ill. Reg. 43, p. 68, effective October 20, 1979; codified at 8 Ill. Reg. 19748; Part recodified at 10 Ill. Reg. 18012; Part repealed, new Part adopted at 11 Ill. Reg. 15891, effective October 1, 1987; repealed at 21 Ill. Reg. _____, effective _____.

Section 1720.10 Adoption of 92 Ill. Adm. Code 1375 by Reference

- a) The Illinois Commerce Commission adopts 92 Ill. Adm. Code 1375 as its uniform system of accounts for relocators subject to the Illinois Commercial Relocation of Trespassing Vehicles Law (Ill. Rev. Stat. 1985, ch. 95 1/2, pars. 18a-100 et seq.).
- b) Each relocater shall keep all accounts applicable to Class I motor carriers of property as defined in 92 Ill. Adm. Code 1375.30, regardless of the amount of the relocater's annual gross operating revenues.

DEPARTMENT OF HUMAN SERVICES
NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Subacute Alcoholism and Substance Abuse Treatment

2) Code Citation: 77 Ill. Adm. Code 2090

3) Section Numbers: Proposed Action:
2090.20 Amendments
2090.35 Amendments
2090.40 Amendments

4) Statutory Authority: Implementing and Authorized by Section 5-10 of the Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301/5-10]

5) A Complete Description of the Subjects and Issues involved: This change will allow patients on Methadone, who are eligible for Medicaid, to participate in outpatient treatment and to have such treatment reimbursable through Medicaid up to the established reimbursement limit. It should be noted that this change will only allow reimbursement for individual or group counseling and would not provide coverage for actual cost or dispensing of the Methadone. Several changes are also made in order to make Part 2090 consistent with the provisions contained in 2060, the new substance abuse treatment and intervention licensing rule which was adopted October 3, 1996. These provisions relate to the manner in which Level II care can be delivered on a daily basis and the group size reimbursement limitations.

6) Will this proposed rule replace as emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed rule (amendment, repealer) contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable): To allow Medicaid reimbursement for patients on Methadone, eligible for Medicaid and participating in outpatient treatment.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comment concerning these rules within 45 days after this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms. Susan Warner, Bureau Chief
Dept. of Human Services
Administrative Rules and Procedure
100 South Grand Avenue East
Springfield, IL 62762

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

(217)785-9772

TTY: (217)557-1547

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

12) Initial Regulatory Feasibility Analysis: The Department has determined that this rulemaking will not affect small businesses.

A) Types of small businesses, small municipalities and not-for-profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: This agency has been formed since publication of the most recent agendas.

The full text of the Proposed Amendments are identical to the text of the Emergency Amendments which appears in this issue of the Register on page

14087

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

1) Heading of the Part: Freestanding Emergency Center Demonstration Program

2) Code Citation: 77 Ill. Adm. Code 518

3) Section Numbers: Proposed Action:

518.1000	New Section
518.1050	New Section
518.1100	New Section
518.1150	New Section
518.1200	New Section
518.1250	New Section
518.1300	New Section
518.1350	New Section
518.1400	New Section
518.1450	New Section
518.1500	New Section
518.1550	New Section
518.1600	New Section
518.1650	New Section
518.1700	New Section
518.1750	New Section
518.1800	New Section
518.1850	New Section
518.1900	New Section
518.1950	New Section
518.2000	New Section
518.2010	New Section
518.2020	New Section
518.2030	New Section
518.2040	New Section
518.2050	New Section
518.2060	New Section
518.2070	New Section
518.2080	New Section
518.2090	New Section
518.2100	New Section
518.2110	New Section
518.2120	New Section
518.2130	New Section
518.2140	New Section
518.2150	New Section
518.2160	New Section
518.2170	New Section
518.2180	New Section
518.2190	New Section
518.2200	New Section
518.2210	New Section

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

518.2220	New Section
518.2230	New Section
518.2240	New Section
518.Table A	New Section
518.Table B	New Section
518.Illustration A	New Section

4) Statutory Authority: Emergency Medical Services (EMS) Systems Act [210 ILCS 50]

5) A Complete Description of the Subjects and Issues Involved: These rules are being proposed to implement Public Act 89-516, which amended the Emergency Medical Services (EMS) Systems Act (Act) to establish the Freestanding Emergency Center (FEC) Demonstration Program. Public Act 90-67 further amended the Act to increase the possible number of FEC locations. A freestanding emergency center must be located (1) in a municipality with a population of 60,000 or fewer inhabitants; (2) either in a municipality that has a hospital that has been providing emergency services but is expected to close by the end of 1997 or in a county with a population of more than 350,000 but less than 500,000 inhabitants; (3) within 15 miles of the hospital that owns or controls the FEC; and (4) within 10 miles of the resource hospital affiliated with the FEC as part of the EMS System. The facility is also required to be wholly owned or controlled by an associate or resource hospital but not be a part of the hospital's physical plant; provide comprehensive emergency treatment services 24 hours per day, on an outpatient basis; provide an ambulance and maintain on site ambulance services staffed with paramedics 24 hours per day; maintain helicopter landing capabilities; comply with all State and federal patient rights provisions; report patient transfers to the Department; limit its participation in the EMS System strictly to receiving a limited number of BLS runs by emergency medical vehicles according to protocols developed by the resource hospital. The FEC must meet Certificate of Need requirements set forth in the Act and must pay a fee.

The proposed rules establish application requirements; provisions for emergency suspension orders, violations, hearings and fines; patients' rights requirements, requirements governing personnel, nursing services and medical staff organization; accounting and reporting requirements; provisions for radiological, laboratory, and pharmacy services; housekeeping, laundry and maintenance requirements for submission of architectural plans; structural, building, electrical mechanical and plumbing requirements; provisions for finishes and construction details; water supply, and garbage, waste and sewage handling and disposal requirements. The rules also include infection control and sterilization requirements, and provisions governing orders for medication and treatments. The rules set forth requirements for providing "comprehensive emergency treatment services". Facilities are required to develop and

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

maintain a disaster and mass casualty program; to provide care to victims of sexual assault; and to establish procedures for notifying emergency personnel who have provided, or are about to provide, emergency care or life support services to a patient who has been diagnosed as having a dangerous communicable or infectious disease.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the notice in the *Illinois Register*.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect? No

7) Does this Rulemaking Contain an Automatic Repeal Date? No

8) Does this Rulemaking Contain Any Incorporations By Reference? Yes

9) Are there any other Proposed Amendments Pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State Mandate.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking: Interested persons may present their comments concerning these rules by writing, within 45 days after this issue of the *Illinois Register*, to:

Ms. Gail M. DeVito
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, IL 62761
217/782-2043

These rules may have an impact on small businesses. In accordance with Sections 1-75 and 5-30 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. DeVito at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Type of Small Businesses, Small Municipalities and Not-for-Profit

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

Corporations Affected: Freestanding emergency centers

B) Reporting, Bookkeeping or Other Procedures Required for Compliance: Reporting and bookkeeping procedures are clearly set forth in the rules.

C) Types of Professional Skills Necessary for Compliance: Skills necessary to operate a health care facility providing emergency medical care.

13) Regulatory Agenda on which this rulemaking was summarized: July 1997

The full text of the Proposed Rules begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

TITLE 77: PUBLIC HEALTH
 CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
 SUBCHAPTER f: EMERGENCY SERVICES AND HIGHWAY SAFETY

PART 518

FREESTANDING EMERGENCY CENTER DEMONSTRATION PROGRAM CODE

Section

518.1000	Definitions
518.1050	Incorporated and Referenced Materials
518.1100	Freestanding Emergency Center Demonstration Program
518.1150	Licensure Application and Renewal
518.1200	Emergency Suspension Orders
518.1250	Violations, Hearings and Fines
518.1300	Governing Board
518.1350	Provision of Emergency Services
518.1400	EMS System Participation
518.1450	Patients' Rights
518.1500	Language Assistance Services
518.1550	Personnel Services
518.1600	Personnel Requirements
518.1650	Medical Staff Organization
518.1700	Nursing Services
518.1750	Accounting
518.1800	Quality Assurance and Reporting
518.1850	Orders for Medications and Treatments
518.1900	Infection Control
518.1950	Sterilization and Processing of Supplies
518.2000	Laboratory Services
518.2010	Radiological Services
518.2020	Comprehensive Emergency Treatment Services
518.2030	Notification of Emergency Personnel
518.2040	Community or Area-wide Planning
518.2050	Disaster and Mass Casualty Program
518.2060	Emergency Services for Sexual Assault Victims
518.2070	Pharmacy Service
518.2080	Housekeeping Service
518.2090	Insect and Rodent Control
518.2100	Laundry Service
518.2110	Food Service
518.2120	Maintenance
518.2130	Fire Safety
518.2140	Water Supply
518.2150	Garbage, Waste and Sewage Handling and Disposal
518.2160	Submission of Architectural Plans
518.2170	Preparation of Drawings and Specifications--Submission Requirements
518.2180	Construction Details
518.2190	Finishes

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

518.2200	Structural Requirements
518.2210	Mechanical Requirements
518.2220	Plumbing and Other Piping Systems
518.2230	Electrical Requirements
518.2240	Building Requirements

TABLE A	Piping Locations for Oxygen, Vacuum and Medical Compressed Air
TABLE B	Insulation/Building Perimeter
ILLUSTRATION A	Seismic Zone Map

AUTHORITY: Implementing and authorized by Section 32.5 of the Emergency Medical Services (EMS) Systems Act [210 ILCS 50] (see P.A. 90-67, effective July 8, 1997).

SOURCE: Adopted at 21 Ill. Reg. _____, effective _____.

Section 518.1000 Definitions

For the purposes of this Part:

Act - the Emergency Medical Services (EMS) Systems Act [210 ILCS 50].

Allied Health Personnel - persons other than medical staff members, licensed or registered by the State of Illinois or recognized by an organization acceptable to the Department and recognized to so function by the medical staff and the governing authority of the freestanding emergency center.

Ambulance - any publicly or privately owned vehicle that is specifically designed, constructed or modified and equipped for, and is intended to be used for, and is maintained or operated for, the emergency transportation of persons who are sick, injured, wounded or otherwise incapacitated or helpless, or the non-emergency medical transportation of persons who require the presence of medical personnel to monitor the individual's condition or medical apparatus being used on such an individual. (Section 3.85 of the Act)

Ambulance Service Provider or Ambulance Provider - any individual, group of individuals, corporation, partnership, association, trust, joint venture, unit of local government or other public or private ownership entity that owns and operates a business or service using one or more ambulances or EMS vehicles for the transportation of emergency patients.

Associate Hospital - a hospital participating in an approved EMS System in accordance with the EMS System Program Plan; fulfilling the same clinical and communications requirements as the Resource Hospital; having a basic or comprehensive emergency department with

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

24-hour physician coverage; and having a functioning intensive care unit and/or a cardiac care unit.

Basic Life Support (BLS) Services - a basic level of pre-hospital and inter-hospital emergency care and non-emergency medical care that includes airway management, Cardiopulmonary Resuscitation (CPR), control of shock and bleeding and splinting of fractures, as outlined in a basic life support national curriculum of the United States Department of Transportation and any modifications to that curriculum specified in the Emergency Medical Services and Trauma Center Code (77 Ill. Adm. Code 515). (Section 3.10 of the Act)

Comprehensive Emergency Treatment Services - emergency treatment services provided in accordance with Section 518.2020 of this Part.

Department - the Illinois Department of Public Health. (Section 3.1 of the Act)

Director - the Director of the Illinois Department of Public Health or his/her designee. (Section 3.5 of the Act)

Drugs - the term "drugs" means and includes:

- articles recognized in the official United States Pharmacopoeia, official National Formulary, or any supplement to either of them and being intended for and having for their main use the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals;
- articles recognized in the Illinois Formulary for the Drug Product Selection Program (77 Ill. Adm. Code 790);
- all other articles intended for and having for their main use the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals;
- articles (other than food) having for their main use and intended to affect the structure or any function of the body of man or other animals; and
- articles having for their main use and intended for use as a component of any articles specified above, but does not include devices or their components, parts or accessories.

Emergency - a medical condition of recent onset and severity that would lead a prudent lay person, possessing an average knowledge of medicine and health, to believe that urgent or unscheduled medical care is required. (Section 3.5 of the Act)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

Emergency Medical Services (EMS) System or System - an organization of hospitals, vehicle service providers and personnel approved by the Department in a specific geographic area, which coordinates and provides pre-hospital and inter-hospital emergency care and non-emergency medical transports at a BLS, ILS and/or ALS level pursuant to a system program plan submitted to and approved by the Department and pursuant to the EMS Regional plan adopted for the EMS Region in which the system is located. (Section 3.20 of the Act)

EMS System Program Plan - the document approved by the Department pursuant to 77 Ill. Adm. Code 515 that describes the EMS System program and directs the program's operation.

Freestanding Emergency Center (FEC) - a facility that provides comprehensive emergency treatment services 24 hours per day, on an outpatient basis and has been issued a license by the Illinois Department of Public Health to participate in the Freestanding Emergency Center Demonstration Program. (Section 32.5 of the Act)

Medical Staff - an organized body composed of the following individuals granted the privilege by the governing authority of the FEC to practice in the FEC: persons who are graduates of a college or school approved or recognized by the Illinois Department of Professional Regulation, and who are currently licensed by the Department of Professional Regulation to practice medicine in all its branches; practice dental surgery; or practice podiatric medicine in Illinois, regardless of the title of the degree awarded by the approving college or school.

Medicines - drugs or chemicals or preparations thereof in suitable form intended for and having for their main use the prevention, treatment, relief, or cure of diseases when used either internally or externally.

Morbidity - a negative outcome that is the result of the original trauma and/or treatment rendered or omitted.

Nurse - a registered nurse or licensed practical nurse as defined in the Illinois Nursing Act of 1987 [225 ILCS 65].

Nursing Staff - registered nurses, licensed practical nurses, nursing aides, orderlies, and others rendering patient care under the supervision of a registered professional nurse.

Owning or Controlling Hospital - the Associate or Resource hospital that wholly owns or controls a freestanding emergency center.

Participating Hospital - a hospital participating in an approved EMS

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

System in accordance with the EMS System Program Plan, which is not a Resource Hospital or an Associate Hospital.

Pharmacist - a person who holds a certificate of registration as a registered pharmacist under the Pharmacy Practice Act of 1987 [225 ILCS 85].

Pharmacy - the term "Practice of Pharmacy" includes, but is not limited to:

the soliciting of prescriptions;

the compounding of prescriptions;

the dispensing of any drug or medicine on a prescription;

the transfer of any drug or medicine from one container into another container that is to be delivered to or for the ultimate patient, on a prescription, or to or for the ultimate consumer, without a prescription; and

the placing of directions for use or other required labeling information on a container of any drug or medicine that is to be delivered to or for the ultimate consumer, without a prescription.

The term "pharmacy" or "a drug store" as referred to in Section 3 of the Pharmacy Practice Act of 1987 means and includes that area licensed by the Department of Professional Regulation in which the practice of pharmacy is conducted. Any room or designated area where drugs and medicines are dispensed (including the repackaging for distribution) shall be considered to be a pharmacy and be licensed by the Department of Professional Regulation.

Physician - any person licensed to practice medicine in all of its branches under the Medical Practice Act of 1987 [225 ILCS 90].

Pre-Hospital Care - those emergency medical services rendered to emergency patients for analytic, resuscitative, stabilizing, or preventive purposes, precedent to and during transportation of such patients to hospitals. (Section 3.10 of the Act)

Pre-Hospital Care Provider - an EMS System Participant or any EMT-B, I, P, Ambulance, Ambulance Provider, EMS Vehicle, Associate Hospital, Participating Hospital, EMS System Coordinator, Associate Hospital EMS Coordinator, Associate Hospital EMS Medical Director, Emergency Communications Registered Nurse (ECRN) or physician serving on an ambulance or giving voice orders over an EMS System.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

Registered Nurse and Registered Professional Nurse or RN - a person who is licensed as a professional nurse under the Illinois Nursing Act of 1987 [225 ILCS 65].

Resource Hospital - the hospital with the authority and the responsibility for an EMS System as outlined in the Department-approved EMS System Program Plan.

Social Worker - a person who is a licensed social worker or a licensed clinical social worker under the Clinical Social Work and Social Work Practice Act [225 ILCS 20].

Substantial Compliance - meeting requirements except for variance from the strict and literal performance that results in unimportant omissions or defects given the particular circumstances involved.

Section 518.1050 Incorporated and Referenced Materials

a) The following regulations and standards are incorporated in this Part:

- 1) Private and professional association standards:
 - A) ASHRAE Handbook of Fundamentals (1981), which may be obtained from the National Association of American Society of Heating, Refrigerating, and Air Conditioning Engineers, Inc., 1791 Tullie Circle, N.E., Atlanta, GA 30329.
 - B) The Compressed Gas Association (CGA), Pamphlet P-2.1 (1970): Standard for Medical-Surgical Vacuum Systems in Hospitals, which may be obtained from the Compressed Gas Association, 1235 Jefferson Davis Highway, Arlington, Virginia 22202.
 - C) The following NFPA standards, which may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269:
 - i) No. 10 (1990): Installation of Portable Fire Extinguishers
 - ii) No. 13 (1994): Sprinkler Systems
 - iii) No. 30 (1990): Flammable and Combustible Liquids Code
 - iv) No. 70 (1996): National Electrical Code
 - v) No. 80 (1995): Fire Doors and Windows
 - vi) No. 82 (1994): Incinerators and Rubbish Handling
 - vii) No. 90A (1989): Installation of Air Conditioning and Ventilating Systems
 - viii) No. 99 (1996): Health Care Facilities Code
 - ix) No. 101 (1997): Life Safety Code
 - x) No. 101-A (1995): Alternative Approaches to Life Safety
 - xi) No. 255 (1990): Standard Method of Test of Surface Burning Characteristics of Building Material
 - xii) No. 701 (1989): Fire Tests for Flame-Resistant Textiles and Films

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

- xiii) No. 13A (1987): Sprinkler System Maintenance
 xiv) No. 14 (1980): Standpipe and Hose Systems
 D) National Council on Radiation Protection and Measurements (NCRP), Report No. 49: Structural Shielding Design and Evaluation for Medical Use of X-rays and Gamma Rays of Energies up to 10 MeV (1976) and NCRP Report No. 102: Medical X-Ray, Electron Beam and Gamma-Ray Protection for Energies Up to 50 MeV (Equipment Design, Performance and Use) (1989), which may be obtained from the National Council on Radiation Protection and Measurements, 7910 Woodmont Ave., Suite 800, Bethesda, Maryland 20814-3095.
 E) DOP Penetration Test Method MIL STD No. 282 (1976): Filter Units, Protective Clothing, Gas-mask Components and Related Products: Performance Test Methods, which may be obtained from Naval Publications and Form Center, 5801 Tabor Avenue, Philadelphia, Pennsylvania 19120.
 F) Building Officials Code Administrators (BOCA) International, Eleventh Edition, "The BOCA National Building Code (1993)", which may be obtained from BOCA, Inc., 4051 Flossmoor Road, Country Club Hills, Illinois 60477-5795.
 G) American National Standards Institute (ANSI) Standard No. A17.1-1995, Safety Code for Elevators and Escalators, which may be obtained from the American Society of Mechanical Engineers, United Engineering Center, 325 East 47th Street, New York, New York 10017.
- 2) Federal Regulations
 A) 14 CFR 157 (January 1, 1997) - Notice of Construction, Alteration, Activation and Deactivation of Airports
 B) 14 CFR 77, Subpart D (January 1, 1997) - Aeronautic Studies of Effect of Proposed Construction on Navigable Airspace
 C) 57 FR 40 pp. 70024 et seq. (February 28, 1992) - Medicare, Medicaid and CLIA Programs; Regulations Implementing the Clinical Laboratory Improvement Amendments of 1988 (CLIA)
 b) All incorporations by reference of federal regulations and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any additions or deletions subsequent to the date specified.
 c) The following statutes and State regulations are referenced in this Part:
 1) Federal statutes:
 A) Federal Aviation Act of 1958, Sections 307 and 308 (P.L. 85-726, 72 U.S.C. 731)
 B) Emergency Medical Treatment and Active Labor Act (42 U.S.C. 1395dd)
 2) State of Illinois statutes:
 A) Emergency Medical Services (EMS) Systems Act [210 ILCS 50]
 B) Hospital Emergency Services Act [210 ILCS 80]
 C) Hospital Licensing Act [210 ILCS 85]

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

- D) Medical Practice Act of 1987 [225 ILCS 60]
 E) The Illinois Nursing Act of 1987 [225 ILCS 65]
 F) Illinois Health Facilities Planning Act [210 ILCS 3960]
 G) Emergency Medical Treatment Act [210 ILCS 70]
 H) X-ray Retention Act [210 ILCS 90]
 I) Radiation Installations Act [420 ILCS 30]
 J) Pharmacy Practice Act of 1987 [225 ILCS 85]
 K) Illinois Clinical Laboratory Act [210 ILCS 25]
 L) Illinois Blood Bank Act [210 ILCS 10]
 M) Language Assistance Services Act [210 ILCS 87]
 N) Criminal Identification Act [20 ILCS 2630]
 O) Civil Administrative Code of Illinois [20 ILCS 2310]
 3) State of Illinois regulations:
 A) Department of Public Health, Illinois Plumbing Code (77 Ill. Adm. Code 890)
 B) Department of Public Health, Sexual Assault Survivors Emergency Treatment Code (77 Ill. Adm. Code 545)
 C) Department of Public Health, Control of Communicable Diseases Code (77 Ill. Adm. Code 690)
 D) Department of Public Health, Food Service Sanitation Code (77 Ill. Adm. Code 750)
 E) Department of Public Health, Sanitary Practice for Drinking Water, Sewage Disposal and Restroom Facilities (77 Ill. Adm. Code 895)
 F) Department of Public Health, AIDS Confidentiality and Testing Code (77 Ill. Adm. Code 697)
 G) Department of Public Health, Control of Sexually Transmitted Diseases Code (77 Ill. Adm. Code 693)
 H) Department of Public Health, Emergency Medical Services and Trauma Center Code (77 Ill. Adm. Code 515)
 I) Department of Public Health, Hospital Licensing Requirements (77 Ill. Adm. Code 250)
 J) Department of Public Health, The Illinois Formulary for the Drug Product Selection Program (77 Ill. Adm. Code 790)
 K) Capital Development Board, Illinois Accessibility Code (71 Ill. Adm. Code 400)
 L) Department of Transportation, Aviation Safety (92 Ill. Adm. Code 14.790, 14.792, 14.795)
 M) Pollution Control Board, Special Waste Hauling (35 Ill. Adm. Code 809)
 N) Pollution Control Board, Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities (35 Ill. Adm. Code 725)

Section 518.1100 Freestanding Emergency Center Demonstration Program

- a) The Department shall conduct a freestanding emergency center (FEC) demonstration program for an initial period concluding on September 1,

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

- 1999 (Section 32.5(c) of the Act)
- b) A freestanding emergency center shall be licensed pursuant to this Part to be considered a participant in the program.
 - c) A freestanding emergency center shall be located:
 - 1) In a municipality with a population of 60,000 or fewer inhabitants;
 - 2) Either in a municipality that has a hospital that has been providing emergency services but is expected to close by the end of 1997 or in a county with a population of more than 350,000 but less than 500,000 inhabitants;
 - 3) Within 15 miles of the hospital that owns or controls the freestanding emergency center; and
 - 4) Within 10 miles of the Resource Hospital affiliated with the freestanding emergency center as part of the EMS system. (Section 32.5(a)(1) of the Act)
 - d) The freestanding emergency center shall be wholly owned or controlled by an Associate or Resource Hospital, but shall not be a part of the hospital's physical plant. (Section 32.5(a)(2) of the Act)
 - e) A freestanding emergency center shall not describe itself or hold itself out to the general public as a full service hospital or hospital emergency department in its advertising or marketing activities. (Section 32.5(a)(12) of the Act)

Section 518.1150 Licensure Application and Renewal

- a) Application for a license to operate a freestanding emergency center shall be in writing on forms provided by the Department. The application shall be made under oath and shall contain the following:
 - 1) Proof of a Certificate of Need to establish and operate a freestanding emergency center issued by the Health Facilities Planning Board under the Illinois Health Facilities Planning Act [210 ILCS 3960] or proof of compliance with Section 32.5(a)(15) of the Act;
 - 2) The name and address of the licensee;
 - 3) The name and address of the proposed freestanding emergency center;
 - 4) A precise description of the site of the proposed freestanding emergency center, including proof that the freestanding emergency center is not a part of the Resource or Associate Hospital's physical plant (Section 32.5(a)(2) of the Act);
 - 5) The name and address of the registered agent or other individual authorized to receive Service of Process for the licensee;
 - 6) The name of the person or persons under whose management or supervision the facility will be operated;
 - 7) Proof of ownership or control by an Associate or Resource Hospital;
 - 8) The number of major procedure rooms and observation/treatment rooms; and

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

- 9) A statement assuring compliance with all State and federal patient rights provisions, including, but not limited to, the Emergency Medical Treatment Act [210 ILCS 70] and the Federal Emergency Medical Treatment and Active Labor Act (42 U.S.C. 1395dd). (Section 32.5(a)(8) of the Act)
- b) An application for licensure shall be accompanied by a fee of \$1500.
- c) Upon receipt and review of the completed application for licensure, the Department shall conduct an inspection to determine compliance with Section 32.5 of the Act and this Part.
- d) If the proposed freestanding emergency center is found to be in substantial compliance with Section 32.5 of the Act and this Part, the Department shall issue a license for a period of one year. A license issued pursuant to Section 32.5 of the Act and this Part shall expire upon termination of the demonstration program. (Section 32.5(c) of the Act) The license is not transferable. It is issued to the licensee, for the specific location and capacity identified in the application.
- e) An application for license renewal shall be filed on forms provided by the Department 120 to 90 days prior to license expiration.
 - 1) The renewal application shall comply with the requirements of subsections (a) and (b) of this Section.
 - 2) Upon review and receipt of a complete application for license renewal, the Department will conduct an inspection. The Department shall renew the license in accordance with subsection (d) of this Section.
- f) The freestanding emergency center license shall be prominently displayed in an area accessible to the public.
- g) Any freestanding emergency center may voluntarily relinquish its license prior to the expiration date by notifying the Department in writing. Such notification shall include the anticipated date of termination, which shall not be less than 30 days nor more than 90 days from the date of notification. The notification shall describe the procedures taken by the freestanding emergency center to advise pre-hospital providers, hospitals, and the EMS Medical Director.

Section 518.1200 Emergency Suspension Orders

The Department shall issue an emergency order, in accordance with Section 3.40 of the Act and Section 515.160 of the Emergency Medical Services and Trauma Center Code (77 Ill. Adm. Code 515), for any freestanding emergency center when the Director or his or her designee has determined that the continued operation of the freestanding emergency center poses an immediate and serious danger to the public health, safety and welfare. An opportunity for a hearing shall be promptly initiated after an emergency suspension order has been issued. (Section 32.5(b)(2) of the Act)

Section 515.1250 Violations, Hearings and Fines

- a) Except for emergency suspension orders, or actions initiated pursuant

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

to Section 3.90(b)(10) of the Act, prior to initiating an action for suspension, revocation, denial, nonrenewal, or imposition of a fine, the Department shall:

- 1) Issue a notice of violation which specifies the Department's allegations of noncompliance and requests a plan of correction to be submitted within 10 days after receipt of the notice of violation;
- 2) Review and approve or reject the plan of correction. If the Department rejects the plan of correction, it shall send notice of the rejection and the reason for the rejection. The party shall have 10 days after receipt of the notice of rejection in which to submit a modified plan;
- 3) Impose a plan of correction if a modified plan is not submitted in a timely manner or if the modified plan is rejected by the Department;
- 4) Issue a notice of intent to fine, suspend, revoke, nonrenew or deny if the party has failed to comply with the imposed plan of correction, and provide the party with an opportunity to request an administrative hearing. The notice of intent shall be effected by certified mail or by personal service, shall set forth the particular reasons for the proposed action, and shall provide the party with 15 days in which to request a hearing. (Section 3.130 of the Act)
- b) Administrative hearings shall be conducted by the Director or his/her designee. On the basis of any such hearing, or upon default of the respondent, the Director shall issue a final order specifying his findings, conclusions and decision. A copy of the final order shall be sent to the respondent by certified mail or served personally upon the respondent. (Section 3.135 of the Act)
- c) The procedure governing hearings authorized by the Act shall be in accordance with the Department's rules governing administrative hearings (77 Ill. Adm. Code 100). (Section 3.135 of the Act)
- d) A fine not exceeding \$10,000 shall be issued for a violation which created a condition or occurrence presenting a substantial probability that death or serious harm to an individual will or did result therefrom. (Section 3.140(b)(1) of the Act)
- e) A fine not exceeding \$5,000 shall be issued for a violation which creates or created a condition or occurrence which threatens the health, safety or welfare of an individual. (Section 3.140(b)(2) of the Act)
- f) In determining the amount of a fine, the Director shall consider the following factors:
 - 1) The severity of the actual or potential harm to an individual.
 - 2) The numbers and types of protocols, standards, rules or Sections of the Act that were violated in the course of creating the condition or occurrence at issue.
 - 3) The reasonable diligence exercised by the FEC to avoid the violation(s) or to reduce the potential harm to individuals.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

- 4) Efforts by the FEC to correct the violation(s).
- 5) Any previous violation(s) of a like or similar nature by the FEC.
- 6) Any financial benefit to the FEC of continuing the violation(s).
- g) A notice of intent to impose fine may be issued in conjunction with or in lieu of a notice of intent to suspend, revoke, nonrenew or deny, and shall (Section 3.140(c) of the Act) include:
 - 1) A description of the violation(s) for which the fine is being imposed.
 - 2) A citation to the Sections of the Act, rules, protocols or standards alleged to have been violated.
 - 3) The amount of the fine.
 - 4) The opportunity to request an administrative hearing prior to imposition of the fine, provided such request for a hearing is made within 15 days after receipt of the notice.

Section 518.1300 Governing Board

- a) A governing authority or Governing Board, hereinafter called the Board, shall be responsible for the organization, management, control and operation of the FEC, including appointment of the medical staff.
- b) The organization, duties, responsibilities, and relationships of the Board shall be established by the owning or controlling hospital. The Department may require a copy for its files.

Section 518.1350 Provision of Emergency Services

The freestanding emergency center shall provide the following services:

- a) Comprehensive emergency treatment services (see Section 518.2020 of this Part) 24 hours a day, on an outpatient basis (Section 32.5(a)(5) of the Act);
- b) An ambulance and maintenance of on site ambulance services staffed with paramedics 24 hours per day (Section 32.5(a)(6) of the Act);
- c) A communications system that is fully integrated with its resource hospital within the FEC's designated EMS system (Section 32.5(a)(9) of the Act);
- d) Helicopter landing capabilities approved by appropriate State and federal authorities. (Section 32.5(a)(7) of the Act) The helicopter landing capabilities shall:
 - 1) Comply with the rules of the Illinois Department of Transportation entitled "Aviation Safety" (92 Ill. Adm. Code 14.790, 14.792, 14.795);
 - 2) Be covered by a favorable airspace determination letter issued by the Federal Aeronautics Administration pursuant to Sections 307 and 309 of the Federal Aviation Act of 1958, and 14 CFR 157 and 14 CFR 77, Subpart D; and
 - 3) Be provided on the campus of the freestanding emergency center.

Section 518.1400 EMS System Participation

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

- a) The freestanding emergency center shall *limit its participation in the EMS System strictly to receiving a limited number of BLS runs by emergency medical vehicles according to protocols developed by the Resource Hospital within the FEC's designated EMS System and approved by the EMS medical director and the Department.* (Section 32.5(a)(4) of the Act)
- b) These protocols shall include but not be limited to:
 - 1) Patient status or freestanding emergency center resource limitations that would result in diversion of a patient to another facility.
 - 2) A commitment by the freestanding emergency center to comply with applicable standardized procedures that apply to hospital emergency departments in the EMS System.

Section 518.1450 Patients' Rights

- a) The freestanding emergency center shall adopt a written policy on patients' rights. This policy shall be available to all patients and personnel.
- b) *The FEC shall comply with all State and federal patient rights provisions, including, but not limited to, the Emergency Medical Treatment Act and the federal Emergency Medical Treatment and Active Labor Act.* (Section 32.5(a)(8) of the Act)
- c) The FEC shall have a written plan for providing social services to those patients with social problems. This service may be provided through:
 - 1) An organized social service within the FEC, or
 - 2) A social worker employed on a part-time basis, or
 - 3) Social work consultant services from a community agency or the Resource Hospital.

Section 518.1500 Language Assistance Services

The freestanding emergency center may provide language assistance services in accordance with the Language Assistance Services Act [210 ILCS 87].

Section 518.1550 Personnel Services

- a) An organized personnel department or service shall be established and designed to meet the needs of the personnel.
- b) Personnel policies and practices that adequately support freestanding emergency center services and quality of patient care shall be established and maintained.
- c) Sufficient, qualified personnel shall be employed to properly operate the various departments and the adjunct services requiring technical skill, such as laboratory, x-ray, pharmacy, nursing, etc.
- d) Sufficient service personnel shall be employed to properly operate service departments.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

- e) Qualified personnel shall mean those persons who hold necessary licenses for the activities they perform. If no license is required, qualified personnel shall mean those persons who are registered or certified by the Department, the Illinois Department of Professional Regulation, the Council on Medical Education of the American Medical Association or Agencies or Committees established in collaboration with the Council, other accrediting agencies approved by the Department, or an acceptable experience equivalent to the above.
- f) Personnel policies shall be written and available to all personnel.
- g) Personnel policies shall be reviewed and/or revised periodically, but no less than once every two years. The date of review or revision shall be indicated on the personnel policies.
- h) The personnel service shall have available organizational charts that identify all departments and/or services.
- i) All positions shall be authorized by the Board, either directly or through delegation to the administrator.
- j) A job description shall be written for each position in the freestanding emergency center, including minimum qualifications.
- k) Personnel records
 - 1) Accurate, current and complete personnel records shall be maintained for each employee during his/her term of employment and for the years thereafter as may be necessary to satisfy other State or federal requirements.
 - 2) An established standard of content shall be established for personnel records, which shall contain at least the following:
 - A) Application form and/or resume with current and background information sufficient to justify the initial and continuing employment of the individual.
 - B) Verification of license, if the position requires a license. A licensed person shall be employed only after verification of the license is obtained.
 - C) A record regarding the employee's specialized education, training, and experience.
 - D) Verification of identity.
 - E) Employment health examination and subsequent health services rendered to the employees as are necessary to ensure that all employees are physically able to perform their duties.
 - F) Record of orientation to the job.
 - G) Continuation of education.
 - H) Current information relative to periodic work performance evaluations.
- l) Employees shall not be assigned duties that exceed their education, training, experience, and qualifications.
- m) Orientation and in-service training programs shall be provided so that personnel may maintain skills and learn new developments.
- n) Personnel health requirements
 - 1) Each FEC shall establish an employee health program that includes the following:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

- A) An assessment of the employee's health and immunization status at the time of employment;
- B) Policies regarding required immunizations; and
- C) Policies and procedures for the periodic health assessment of all personnel. These policies must specify the content of the health assessment and the interval between assessments and must comply with Section 690.720 (Tuberculosis) of the Department's rules entitled "Control of Communicable Diseases Code" (77 Ill. Adm. Code 690).
- 2) Personnel absent from duty because of any communicable disease shall not return to duty until examined for freedom from any condition that might endanger the health of patients or employees.

Section 518.1650 Personnel Requirements

- a) *At least one board certified emergency physician shall be present at the freestanding emergency center 24 hours per day.* (Section 32.5(a)(3)(C) of the Act)
- b) Additional physicians shall be present at the freestanding emergency center or available within 30 minutes to meet the needs of patients brought to the freestanding emergency center.
- c) At least three registered nurses shall be available at the freestanding emergency center 24 hours per day.
- d) Medical, administrative and support personnel shall be available to meet the needs of patients brought to the freestanding emergency center and to meet the requirements of this Part.

Section 518.1650 Medical Staff Organization

The medical staff shall be organized in accordance with written bylaws, rules and regulations developed in cooperation with the owning or controlling hospital and approved by the Governing Board.

Section 518.1700 Nursing Services

The FEC shall provide an organized nursing service and shall maintain a staff of nursing personnel organized to provide the nursing care for its patients commensurate with size, scope and nature of services.

- a) Director of Nursing Administration
 - 1) The nursing service shall be under the direction of a registered professional nurse who has qualifications in nursing administration and who has the ability to organize, coordinate, and evaluate the service.
 - 2) The nursing administrator (director of nursing) shall hold a degree in nursing or have documented experience and relevant continuing education. He/she shall be employed full-time within the FEC as director of the nursing administration.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

- 3) The nursing administrator shall be accountable to the chief executive officer or designee for developing and implementing policies and procedures of the service and for the nursing practice.
- 4) The nursing administrator shall have authority over the selection, promotion and retention of nursing personnel based on established job descriptions.
- 5) A qualified registered nurse shall be designated and authorized to act in the absence of the nursing administrator on a 24-hour basis.
- b) Nursing Staff
 - 1) A sufficient number of registered professional nurses shall be on duty at all times to assess, plan, assign, supervise, and evaluate nursing care and provide patients nursing care for which the judgement and specialized skills of a registered nurse are required.
 - 2) Licensed practical nurses and other nursing personnel shall be qualified through training, education, and experience, and shall have demonstrated abilities to give nursing care that does not require the skill and judgement of a registered professional nurse. Auxiliary nursing personnel shall be assigned and supervised by a professional nurse and shall be given only those duties for which they are trained.
 - 3) The number of registered professional nurses, licensed practical nurses and other nursing personnel assigned shall be consistent with the types of nursing care needed by the patients and the capabilities of the staff. Patients shall be evaluated near the end of each change of shift by criteria developed by the nursing service.
- c) Staffing Standards
 - 1) Staffing schedules shall reflect actual nursing personnel required for the FEC. Staffing patterns shall reflect consideration of nursing goals, standards of nursing practice, and the needs of the patients.
 - 2) Staffing schedules shall accomplish the following:
 - A) Identification of the nurse in charge.
 - B) Assignment of personnel in a manner that gives consideration to patient care and minimizes the risk of cross-infections.
 - C) Projection of future time schedules indicating assignment of personnel by name, status, date and duty tour.
 - D) Time schedules shall be kept in detail, indicating the assignment of nursing personnel by name, status, date, and patient care assignment. Actual time reports shall be kept verifying personnel attendance by name, date, patient care assignment, and time of actual attendance.
 - d) Planning, decision making, and formulation of policies that affect the operation of the nursing service, the care of patients, or the environment of patients shall include nursing service representatives,

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

- and their recommendations shall be considered.
- e) Job descriptions shall be written for each position classification in the nursing service and shall delineate the functions, responsibilities, and qualifications for each classification. Copies of job descriptions shall be available to nursing personnel.
 - f) Procedures shall be maintained to ensure that nursing personnel for whom licensure is required have valid and current licenses in the State of Illinois and to verify licensure status.
 - g) The current license and credentials of private duty and agency nurses shall be verified prior to assignment. The nursing service shall maintain adequate supervision of private duty and agency nurses and shall require that they abide by the appropriate policies, procedures and maintain standards of the FEC and the nursing service.
 - h) Nursing policies and procedures shall be developed, reviewed periodically at least once a year, and revised as necessary by nursing representatives in cooperation with appropriate representatives from administration, the medical staff and other concerned FEC services or departments. The policies and procedures shall be dated to indicate the time of the most recent review or revision.
 - i) Written policies shall include but not be limited to the following:
 - 1) Criteria pertaining to the performance of special procedures and the circumstances and supervision under which these may be performed by nursing personnel.
 - 2) Communication and implementation of diagnostic and therapeutic orders, including verbal orders. The responsibility and mechanism for nursing service to obtain clarification of order when indicated.
 - 3) Administration of medication.
 - 4) Assignments for providing nursing care to patients.
 - 5) Documentation in patients' records by nursing personnel.
 - 6) Infection control.
 - 7) Patient safety.
 - 8) Nursing role in other FEC services, including but not limited to such services as pharmacy and housekeeping.
 - 9) Emotional and attitudinal support.
 - j) A nursing procedure manual shall be developed, and copies shall be available to the nursing staff and to other services and departments, including members of the medical staff and students.
 - k) The procedure manual shall provide a ready reference on nursing procedures and a basis for standardization of procedures and equipment in the FEC.

Section 518.1750 Accounting

Accounting procedures shall be carried out in accordance with a recognized system of health care accounting, shall be adequate to permit satisfactory auditing, and shall allow separation of expenses and income from the hospital that owns or controls the FEC. An audit shall be performed at least annually

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

by a qualified auditor independent of the freestanding emergency center.

Section 518.1800 Quality Assurance and Reporting

- a) The freestanding emergency center shall develop and implement a quality assessment and improvement program designed to meet at least the following:
 - 1) Ongoing monitoring and evaluation of the quality and accessibility of care and services provided, including but not limited to:
 - A) infection control,
 - B) patient satisfaction,
 - C) compliance with EMS System protocols, and
 - D) timely patient transfers to hospitals;
 - 2) Identification and analysis of problems; and
 - 3) Identification and implementation of corrective action or changes in response to problems.
- b) The freestanding emergency center shall report the following to the Department:
 - 1) Reports of any patient transfers from the FEC to a hospital shall be faxed to the Chief, Division of Health Care Facilities and Programs at (217)782-0382 within 48 hours after the transfer. (Section 32.5(a)(10) of the Act) Reports shall list the patient's name, diagnosis, date and time of arrival at the FEC, and date, time, destination and mechanism of transfer from the FEC.
 - 2) Reports of morbidity and mortality rates for patients treated at the FEC shall be submitted on a quarterly basis. (Section 32.5(a)(11) of the Act)
 - 3) Reports of all patients transferred to trauma centers shall be submitted on a quarterly basis.
 - 4) Reports of injuries allegedly caused by a violent act shall be reported in accordance with Section 55.80 of the Civil Administrative Code of Illinois and 77 Ill. Adm. Code 560 (Violent Injury Reporting Code).
- c) Each freestanding emergency center shall submit a data report, completed by each vehicle service provider for every emergency pre-hospital or inter-hospital transport, to the Department on March 1, June 1, September 1, and December 1 of each year, covering run report data from the preceding quarter. The report shall be in one of the following formats:
 - 1) Copies of the Department-issued scannable run report form, or
 - 2) A data diskette containing the prescribed data elements.
 - A) The data elements shall be in a format compatible with the Department's data base input specifications, and
 - B) Department review and approval of data format compatibility is required prior to submission.
- d) When computer technology is available, each FEC shall develop and implement a mechanism for linking run reports with emergency

DEPARTMENT OF PUBLIC HEALTH

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

NOTICE OF PROPOSED RULES

department, trauma center and admission records from the hospitals that receive emergency patients within the System. This mechanism shall facilitate tracking of case outcomes for purposes of internal quality control, medical study and improvement of both adult and pediatric patients.

e) The FEC shall use the single form designated or approved by the Resource Hospital.

f) The FEC shall report *any injury resulting from the discharge of a firearm; or any injury sustained in the commission of or as a victim of a criminal offense.* (Section 3.2 of the Criminal Identification Act)

Section 518.1850 Orders for Medications and Treatments

a) No medication or treatment or diagnostic test shall be administered to a patient except on the written order of a member of the medical staff or a house staff member under the supervision of a member of the medical staff. Verbal orders shall be signed before the member of the medical staff or the house staff member leaves the area. Telephone orders shall be used sparingly and countersigned within 24 hours.

b) Members of the medical staff and house staff members shall give orders for medication and treatment only to the licensed, registered or certified professional persons who are authorized by law to administer or dispense the medication or treatment in the course of practicing their identified specific discipline.

c) The medical directors of the laboratory, radiology or other diagnostic services may respectively authorize the performance of diagnostic tests and procedures at the request of other than members of the medical staff in accordance with policies approved by the medical staff and Board.

Section 518.1900 Infection Control

a) The freestanding emergency center shall develop policies and procedures for the prevention and control of infections within the facility, which shall be approved by the owning or controlling hospital. The person responsible for infection control in the FEC shall be a part of the hospital's Infection Control Committee.

b) Policies and procedures for the reporting and care of cases of communicable diseases shall be in accordance with 77 Ill. Adm. Code 690, the Control of Communicable Diseases Code.

c) When patients have a communicable disease or present signs and symptoms suggestive of such diagnosis, proper precautionary measures shall be taken to avoid cross-infection to personnel, other patients, or the public.

d) Policies and procedures for the handling of infectious cases shall include orders to the medical, nursing, and non-professional staffs providing for proper isolation technique.

e) All persons who care for patients with or suspected of having a communicable disease or whose work brings them in contact with materials that are potential conveyors of communicable disease shall take appropriate safeguards to avoid transmission of the disease agent.

f) Thorough handscrubbing shall be required after touching any contaminated or infected material.

g) Policies and procedures shall be established related to the above and to the following items but not limited thereto:

1) The admission and isolation of patients with specific and/or suspected infectious diseases, and protective isolation of appropriate patients.

2) In-service education programs on the control of infectious diseases.

3) Policies and procedures for isolation techniques appropriate to the working diagnosis of the patient, and protective routines for personnel and visitors.

Section 518.1950 Sterilization and Processing of Supplies

a) All sterilization and processing of all sterile supplies and equipment shall be under competent, qualified supervision.

1) The director or person responsible for central services shall be responsible to the chief executive officer. This person shall be qualified for the position by education, training, and experience.

2) The number of supervisory and support personnel shall be related to the scope of the services provided. New employees shall receive initial orientation and on-the-job training, and all employees shall participate in a continuing in-service education program, which shall be documented.

3) Educational efforts, though directed primarily at sterile-supply processing and handling techniques, shall also include management concepts, safety, personal hygiene, health requirements, and work attire.

b) Written policies and procedures shall be established for the decontamination and sterilization activities performed in the freestanding emergency center and shall relate, but are not limited, to the following:

1) Receiving, decontaminating, cleaning, preparing, disinfecting and sterilizing of reusable items.

2) Assembly, wrapping, storage, distribution, and quality control of sterile equipment and medical supplies. Load control numbers shall be used to designate the hospital sterilization equipment used for each item, including the sterilization date and cycle.

3) Use of sterilization process monitors, including temperature and pressure recordings, and the use and frequency of appropriate chemical indicator and bacteriological spore tests for all

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

sterilizers.

- 4) Designation of the shelf life for each FEC-wrapped and -sterilized medical item and, to the maximum degree possible, for each commercially prepared item.

A) Designation of a shelf life may be a specific expiration date, i.e., 30 days, six months, etc., based on manufacturer's recommendation, a nationally recognized authority, or other standard approved by the owning or controlling hospital's Infection Control Committee.

B) Designation of shelf life may be event related if policies and procedures, approved by the owning or controlling hospital's Infection Control Committee, address at least the following:

- i) requirements for wrapping, storage and rotation of sterile supplies;
- ii) definition of an event that may cause a sterile item to be or be suspected of being compromised, such as the package being wet or torn, or the seal being broken or tampered with;
- iii) clear direction that final inspection of the package and the ultimate decision to use the contents of the package rest with the clinician; and
- iv) orientation, in-service and other follow-up to assure that all necessary staff understand and implement the policies and procedures.

C) A facility may choose to use both a specific expiration date and event-related shelf life designation specific for certain wrappings, areas of the FEC, etc., as long as the policies and procedures, as approved by the Infection Control Committee, and training of staff define this practice.

- 5) Acquisition of supplies after normal working hours or any time the central service or sterile supply unit is considered "closed" or unstaffed.

6) Preventive maintenance of all central supply service equipment, including performance verification records and reports.

7) The recall and disposal or reprocessing of outdated sterile supplies.

8) The emergency collection and disposition of supplies when special warnings have been issued by the manufacturer. There shall be appropriate notification of the attending physician where patient exposure is known.

9) Specific aeration requirements for each category of gas-sterilized items to eliminate the hazard of toxic residues.

10) The cleaning and sanitizing of work surfaces, floors, utensils, and equipment used in central service functions.

c) Space shall be provided for the efficient operation of all central service functions. Functional design and work flow patterns shall

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

provide for the separation of soiled and contaminated supplies from those that are clean and sterile. Equipment of adequate design, size, and type shall be provided for the effective decontaminating, disinfecting, cleaning, packaging, sterilizing, storing, and distributing of medical instruments, supplies, and equipment used in patient care.

d) Equipment and procedures

1) The facilities, equipment, and procedures for clean-up, preparation, and sterilization shall be adequate to allow proper cleaning, processing, and sterilizing of patient care supplies and equipment.

2) When clean-up, preparation, and sterilization functions are carried out in the same room or unit (as in a central sterilizing department) the physical facilities and equipment and the policies and procedures for their use shall be such as to effectively separate soiled or contaminated supplies and equipment from the clean or sterilized supplies and equipment.

3) Sterilization equipment shall be maintained in good repair and under the provisions of a preventive maintenance program.

4) All pressure steam autoclaves shall have recording thermometers, and the sterilization performance shall be otherwise checked.

e) Sterilization of instruments and utensils

1) All surgical instruments not adversely affected by high temperature shall be sterilized by pressure steam sterilization.

2) Whenever possible, throughout the FEC, sterilization shall be accomplished by pressure steam sterilization. Hot air sterilization or gas sterilization may be used. When gas sterilization is used, there shall be policies and tested procedures for proper aeration to permit safe utilization. Pressure steam sterilization of reusable syringes and needles is required.

3) All instruments, whether used on infected cases or clean cases, shall be cleaned before sterilization. Instruments used on infected cases shall be disinfected before transport to central supply.

4) Boiling is not an approved method of sterilization.

f) Water sterilization

1) When non-commercial sterile water is utilized, water sterilization equipment shall be maintained and operated in a manner that will protect the sterilized water from contamination.

2) An acceptable method for checking the sterility of the water shall be utilized. Water may be sterilized either in approved water sterilizers or autoclaved in approved flasks.

g) Sterilization and storage of supplies and equipment

1) Supplies and equipment shall be properly wrapped and labeled before sterilization.

2) The effectiveness of sterilization shall be checked. This should include bacteriological testing of all sterilization units

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

throughout the facility. Indicators shall be used to show that a wrapped package has been sterilized. A procedure shall be established for the recall of expired or inadequately sterilized goods for both in-house and commercially sterilized supplies and equipment.

- 3) Supplies and equipment commercially prepared so as to retain sterility indefinitely are acceptable. The FEC should satisfy itself of the sterility of such materials.
- 4) Sterile equipment and supplies shall be stored properly in clean cabinets, cupboards or other suitable enclosed spaces. An orderly system of rotation of supplies is recommended so that supplies stored first will be used first.

Section 518.2000 Laboratory Services

The freestanding emergency center shall have a clinical laboratory to perform services commensurate with the FEC's needs for its patients, which is certified under the Clinical Laboratory Improvement Amendments of 1988 (CLIA 88) and 57 FR 40 (February 28, 1992). Anatomical pathology services shall be available either in the FEC or by arrangement with other facilities.

- a) Adequacy of Laboratory Services. Clinical laboratory services adequate for the individual FEC shall be maintained in the FEC, as determined by the following:

- 1) The extent and complexity of services are commensurate with the size, scope and nature of the FEC and the demands of the medical staff upon the laboratory.
- 2) Basic laboratory services, necessary for routine examinations as defined in subsection (b) of this Section, are provided in the FEC.

- b) Clinical Laboratory Examinations. Basic clinical laboratory examinations including chemistry, microbiology, hematology, serology, and clinical microscopy, shall be carried out as required by the medical staff.

- 1) Other laboratory examinations may be provided under arrangements by the FEC with another laboratory that is certified under CLIA 88.

- 2) In the case of work performed by an outside laboratory, the original report from this laboratory shall be contained in the medical record.

- c) Availability of Facilities and Services

- 1) Facilities and services shall be available at all times.

- 2) Where services are provided by an outside laboratory, the conditions, procedures, and availability of examinations performed are to be in writing and available in the FEC.

- d) Laboratory Report

Signed or otherwise authenticated reports shall be filed with the patient's medical record and duplicate copies maintained in the laboratory.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

- 1) The laboratory director shall be responsible for the laboratory reports.
- 2) All tests and procedures shall be ordered by a member of the medical staff or by others in accordance with approved policies.
- e) Pathologist Services. Services of a pathologist shall be provided as indicated by the needs of the FEC.

- 1) Services are to be under the supervision of a pathologist certified by the American Board of Pathology or who possesses training and experience acceptable to the Department and equivalent to such certification, and licensed to practice medicine in all its branches in Illinois, on a full-time, regular part-time or regular consultative basis. If the latter pertains, the FEC shall provide for, at a minimum, semimonthly consultative visits by a pathologist.
- 2) The pathologist shall participate in staff, departmental and clinicopathologic conferences.

Section 518.2010 Radiological Services

- a) The freestanding emergency center shall maintain and provide radiological services sufficient to perform and interpret the radiological examinations necessary for the diagnosis and treatment of patients, to the extent that the complexity of services is commensurate with the size and scope of the FEC. Additional required services shall be provided by shared services or referral of patients.
- b) The physician responsible for the direction of a radiological department or service shall be Board certified or eligible for certification by the American Board of Radiology or equivalent. The physician shall have a written agreement with the FEC to direct the Radiological Services on a full-time, part-time or consulting basis and be an approved member of the medical staff. The responsibilities of the physician must be identified in a policy and procedures manual or other document.

- c) Technicians employed in the radiological services shall have had sufficient training and experience to carry out the procedures safely and efficiently commensurate with the size and scope of the service. A procedure and means for evaluating qualifications shall be established and used.

- d) Radiological services shall be available at all times.

- e) Complete, signed reports of the radiological examinations shall be made part of the patient's record, and duplicate copies shall be kept in the department for a period of time established by the FEC.

- f) Written reports of each radiological interpretation, consultation and treatment shall be signed by the physician responsible for conducting the procedure and shall be a part of the patient's medical record. Maintenance and filing of records should be coordinated with direction and supervision by the Medical Record Administrator.

- g) X-ray or roentgen photographs shall be retained in accordance with the

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

X-ray Retention Act [210 ILCS 90], which requires retention for five years and longer where notification of litigation is received.

- h) Radiological facilities operated by an FEC constitute a "radiation installation" within the meaning of the Radiation Installations Act [420 ILCS 30] and are required to be registered with the Department of Nuclear Safety.

- i) Each radiological department or identified distinct radiological service shall prepare and maintain a policies and procedures manual, which shall be reviewed and updated annually and shall include, but not be limited to, provision for the following identified requirements:

- 1) The FEC shall establish and enforce safety regulations that will protect both patient and radiological worker from excessive or stray radiation.

- 2) Where radiation hazard exists, the FEC shall periodically obtain a survey and report by a qualified radiation physicist indicating that satisfactory conditions exist.

- 3) Personnel Monitoring

- A) Procedures for personnel monitoring shall be maintained for each individual working in the area of radiation where there is a reasonable probability of receiving one-fourth of the maximum permissible dose.

- B) Personnel monitoring records resulting from the use of film badges or dosimeters must be maintained. Readings must be on at least a monthly basis.

- C) Upon termination of employment, each worker should be provided with a summary of his exposure record.

- D) Permanent records of exposure on all monitored personnel must be maintained for review by surveyors for licensing.

- 4) Monthly and yearly reports shall be maintained on the number of examinations done and kinds of treatment given.

- 5) The use of all radiological apparatus shall be limited to personnel designated as qualified by the physician responsible for the direction and/or supervision of the department or service. The use of fluoroscopes shall be limited to credentialed physicians.

- 6) Participation in continuing education by all radiological personnel (including physicians responsible for the direction and supervision of radiological services) shall be documented.

- 7) A current interesting case file should be maintained on a regular basis for educational purposes.

- 8) At all times, reasonable privacy shall be provided for the radiological patient relative to dressing, evacuation, and the study being performed.

- 9) Safety rules shall be written for the radiological services to protect patients and personnel. These rules must relate to radiation, electrical and mechanical hazards, prevention and containment of fire and explosion, and prevention and treatment

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

of any untoward reaction to contrast media.

- 10) Written policies and procedures must be enforced for the radiological services that relate to the management of critically ill patients and to the administration of diagnostic agents by nonphysicians.

- 11) When nonphysicians are permitted to administer diagnostic agents intravenously for radiological evaluations, written safety guidelines must specify which individuals have this authority and require that a physician be immediately available.

- 12) An emergency drug tray must always be present in the room or immediately available where parenteral diagnostic agents for radiologic evaluations are being administered. A system shall be established for maintaining an emergency drug tray with appropriate content and no outdated medications or missing items. Oxygen, airways, syringes and needles, intravenous administration sets, and appropriate parenteral solutions shall be available at all times.

- 13) Written safety rules must provide: for the steps to be followed in the event of a spill of radioactive material; for specific authority for any nonphysician personnel who administer isotopes intravenously; for the recording of cumulative radiation exposure of all personnel; a requirement for protective security from all radioactive areas for all unauthorized personnel; and the establishment of a radiation protection survey at least every six months.

- 14) Instrument log books maintained by Radiological Services must include calibration records of equipment and monitors, maintenance and repair records, and the findings of outside evaluators (if used), with the corrective action taken.

Section 518.200 Comprehensive Emergency Treatment Services

Each freestanding emergency center shall provide Comprehensive Emergency Treatment Services as follows:

- a) At least one board certified emergency physician shall be present at the FEC 24 hours per day. (Section 32.5(a)(1)(C) of the Act)
- b) Physician specialists representing the major specialties, and sub-specialties such as plastic surgery, dermatology, ophthalmology, etc., shall be available within minutes.
- c) Ancillary services including laboratory and x-ray shall be staffed at all times. Pharmacy shall be staffed or "on call" at all times.
- d) Each FEC shall provide adequate facilities for the provision of immediate life saving measures.
- e) Policies and procedures governing the acceptance and care of emergency patients shall be established.
- f) An appropriate record shall be maintained on each patient who presents for emergency services.
- g) Appropriate supplies and equipment shall be available and ready for

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

use.

- h) This Section shall not be construed to affect facility-patient arrangements regarding payment for care.

Section 518.2030 Notification of Emergency Personnel

- a) For purposes of this Section:

- 1) "Emergency Services Provider Agency" means any entity that uses vehicles, personnel and equipment for the pre-hospital or inter-hospital transportation and care of patients requiring emergency care or life support services in conformance with the provisions of the Act.
 - 2) "Paramedic" means an emergency medical technician-paramedic licensed by the Department pursuant to Section 3.50 of the Act.
 - 3) "Ambulance Personnel" means any person employed by an emergency services provider agency who is or was involved in the pre-hospital or inter-hospital transportation and care of a patient requiring emergency care or life support services as an ambulance crew member, including the vehicle driver.
- b) Each freestanding emergency center (FEC) shall establish procedures for notifying police officers, paramedics and ambulance personnel who have provided, or are about to provide, emergency care or life support services to a patient who has been diagnosed as having a dangerous communicable or infectious disease. (Section 6.08(a) of the Hospital Licensing Act) The procedures shall include at a minimum the requirements of this Section.
- c) Notification shall be required for the following diseases:

- 1) Rubella (including congenital rubella syndrome)
- 2) Measles
- 3) Tuberculosis
- 4) Invasive meningococcal infections (meningitis or meningococemia)
- 5) Mumps
- 6) Chickenpox
- 7) Herpes Simplex
- 8) Diphtheria
- 9) Rabies (human rabies)
- 10) Anthrax
- 11) Cholera
- 12) Plague
- 13) Polio (Poliovirus)
- 14) Hepatitis B
- 15) Typhus (louse-borne)
- 16) Smallpox
- 17) Hepatitis non-A, non-B
- 18) Acquired Immunodeficiency Syndrome (AIDS)
- 19) AIDS-related complex (ARC)
- 20) Human Immunodeficiency Virus (HIV) Infection

- d) The freestanding emergency center (FEC) shall send a letter of

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

notification to the emergency services provider agency within 72 hours after the FEC receives actual knowledge of a confirmed diagnosis of any of the communicable diseases listed in subsection (c) of this Section, other than AIDS, ARC or HIV infection, of any patient who has been transported to the FEC by police officers, paramedics or ambulance personnel. (Section 6.08(c) of the Hospital Licensing Act)

e) In the case of a confirmed diagnosis of AIDS, ARC, or HIV infection, the FEC shall send a letter of notification to the emergency services provider agency within 72 hours only if one or both of the following conditions exist:

- 1) The police officers, paramedics or ambulance personnel have indicated on the ambulance run sheet that a reasonable possibility exists that they have had blood or body fluid contact with the patient.
 - 2) The FEC has reason to know of a possible exposure of the police officers, paramedics or ambulance personnel to the blood or body fluids of the patient. (Section 6.08(c) of the Hospital Licensing Act)
- f) Notification letters shall be sent to the designated contact at the emergency services provider agency listed on the ambulance run sheet and shall include at least the following information. Such notification letters shall not contain the patient's name or any patient-identifying information. (Section 6.08(d) of the Hospital Licensing Act)
- 1) The names of the police officers, paramedics, ambulance personnel, and other crew members listed on the ambulance run sheet.
 - 2) The name of the communicable disease diagnosed.
 - 3) The date the patient was transported.
 - 4) A statement that this information shall be maintained as a confidential medical record, and
 - 5) A statement that upon receipt of the notification letter, the provider agency shall contact all personnel involved in the pre-hospital or inter-hospital care and transport of the patient. (Section 6.08(d) of the Hospital Licensing Act)
- g) Upon discharge of a patient with a communicable disease listed in subsection (c) of this Section or below to emergency personnel, the FEC shall notify the emergency personnel of appropriate precautions against the communicable disease, but shall not identify the name of the patient. (Section 6.08(e) of the Hospital Licensing Act)
- 1) Typhoid fever
 - 2) Amebiasis
 - 3) Shigellosis
 - 4) Salmonellosis
 - 5) Giardiasis
 - 6) Hepatitis A
- h) The FEC may take any measures in addition to those required in this Section which it considers necessary or useful to notify police

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

officers, paramedics or ambulance personnel of possible exposure to any communicable disease. (Section 6.08 of the Hospital Licensing Act) However, such measures shall not violate the confidentiality of the medical record of the patient, or conflict with the provisions of this Section.

Section 518.2040 Community or Areawide Planning

Freestanding emergency centers may participate in a community or areawide plan that provides for emergency services, as described in Section 250.730 of the Hospital Licensing Requirements.

Section 518.2050 Disaster and Mass Casualty Program

- a) Each freestanding emergency center shall have and maintain a disaster and mass casualty program. Such program shall be developed in cooperation with the hospitals of the area and with official and nonofficial agencies concerned. This program shall include the possibility of disaster involving loss of the FEC or serious impairment of its facilities.
- b) In instances where FECs are participating in an areawide plan for emergency services, the plan shall include responsibilities to be shared for a disaster and mass casualty program.

Section 518.2060 Emergency Services for Sexual Assault Victims

- a) All freestanding emergency centers are required to render care to victims of sexual assault. Such care shall be in accordance with Section 545.60 of the Sexual Assault Survivors Emergency Treatment Code (77 Ill. Adm. Code 545).
- b) An FEC may fulfill its obligation to provide emergency service to sexual assault victims by participating in an areawide plan for emergency service in accordance with 77 Ill. Adm. Code 545.50.

Section 518.2070 Pharmacy Service

- a) The freestanding emergency center shall provide a pharmacy or drug and medicine service (service) for the care and treatment of patients.
- b) A pharmacy or drug and medicine service policy and procedure manual shall identify the service and manner of operation.
- c) The service shall be under the direction of a pharmacist employed by the FEC on a full-time, part-time or consulting basis. Responsibilities of the pharmacist must be identified in the policy and procedure manual or other document.
- d) A pharmacy shall be staffed at all times by a pharmacist during open hours. At all other times, the pharmacy shall be locked. A pharmacist or pharmaceutical service must be on call when the pharmacy is not open.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

- e) When a pharmacist is absent from the FEC, a registered professional nurse may have access to the pharmacy. The nurse may obtain a single dose, manufacturer's original package, or container of a drug or medication prepackaged under the supervision of a pharmacist, which is necessary to administer to a patient in carrying out treatment and medication orders of a prescriber. A signed receipt for the drugs and medicines removed shall be left for the pharmacist.
- f) Vending machines for the storage and supply of drugs used in the facility shall be stocked only under the supervision of a pharmacist. They shall be securely locked, and shall provide a record of what was supplied and to whom. The drugs contained therein may be released from such machines only by a registered professional nurse, physician or pharmacist.
- g) All drugs and medicines shall be stored and dispensed in accordance with applicable State and federal laws and regulations.
- h) Pharmacy Personnel
 - 1) A pharmacist shall be available or on call at all times.
 - 2) An adequate number of registered pharmacists and other supportive personnel shall be provided, consistent with the size and activity of the service.
 - 3) Pharmacy apprentices, when utilized, must be under the direct and personal supervision of a pharmacist.
- i) A pharmacy shall be in an identified area or room that complies with the requirements of the Pharmacy Practice Act of 1987.
- j) Drugs and medicines shall be plainly labeled with the name of the manufacturer, lot and control number, and stored in specifically identified, and well-illuminated medicine cabinets, closets, refrigerators, or other locations provided with proper lighting, ventilation and temperature control and fully protected from access by unauthorized persons.

Section 518.2080 Housekeeping Service

- a) The FEC shall have an organized housekeeping department or service, under competent supervision.
- b) The director of housekeeping services shall be qualified for the position by education, training, and experience.
 - 1) The number of supervisory and support personnel shall be related to the size and complexity of the facility and to the scope of the services provided.
 - 2) To guide personnel in providing a hygienic environment for patients and staff, specific housekeeping procedures shall be developed and available for all departments and services. Procedures shall identify techniques and products used and shall include, but not be limited to, the following:
 - A) the use, cleaning, and care of equipment;
 - B) the selection, measurement, and proper use of housekeeping and cleaning supplies, their storage, and transportation;

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

- C) the maintenance of cleaning schedules, including frequency of cleaning of observation/treatment and major procedure rooms;
- D) techniques for evaluation of cleaning effectiveness;
- E) personal hygiene.
- c) Participation by housekeeping personnel in a relevant continuing education program shall be documented.
- d) The entire facility, including but not limited to the floors, walls, windows, doors, ceilings, fixtures, equipment, and furnishings, shall be maintained in good repair, clean and free of insects, rodents and trash.
- 1) Dusting, mopping, and vacuum cleaning shall be done in a manner that will not spread dust or other particulate matter.
 - 2) Adequate supplies and equipment for housekeeping functions shall be provided, with cleaning compounds and hazardous substances properly labeled and stored.
 - 3) Venetian blinds, decorative curtains and draperies shall be of fire resistant materials and shall be kept clean at all times. Venetian blinds, decorative curtains and draperies shall be prohibited in treatment rooms. When control of excessive sunlight is necessary, washable pull shades (to be damp dusted daily) may be used.

Section 518.2090 Insect and Rodent Control

Any condition on the freestanding emergency center site conducive to the harborage or breeding of insects, rodents, or other vermin shall be prohibited.

- a) All outside doors, windows, and other openings except in air-conditioned buildings where doors and windows are normally kept closed and opened for minimal use, automatically operated doors or infrequently used fire exits shall be effectively screened during the entire fly season. Screens shall be kept in good repair and shall have no fewer than 16 meshes per inch. All screen doors shall open outward where building design permits and be equipped with self-closing devices. Fire and panic laws shall be considered in screen installation and maintenance.
- b) Other methods of preventing the entrance of insects, such as blast-fans, electrocution screens, fly traps, sprays, etc., may be used but only as a supplement to the use of screens. Fly strips, paper, swatters, insecticide sprays and powders, fly traps, etc., shall be used only in such a manner and place that dead, injured, or affected insects, or the spray or powder itself, cannot fall on or otherwise come in contact with any food or food product.
- c) All rooms shall be free from insects, rodents, or other vermin.
- d) Any chemical substance of a poisonous nature used to control or eliminate various types of vermin shall be properly colored or labeled to identify it as a poison. Identification, storage and use shall be in accordance with local, State, and federal regulations.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

- e) If pest control services are contracted with an outside firm, that firm must be licensed by the Department as a Pest Control Business. If services are provided by FEC personnel, and restricted-use pesticides are applied, the person responsible for the application must be certified by the Department as an institutional multi-housing pest control operator.
- f) An up-to-date list shall be maintained of all pest control products used in the facility, areas where they are used, and areas where specific formulations must not be used. This document must be readily available, in case of accidental poisoning.

Section 518.2100 Laundry Service

- a) Laundry service shall be provided by an organized laundry service under competent supervision or by contract with another entity.
 - 1) If laundry services are provided by an outside firm, a written contract shall be available and shall specify that the laundry meets the same standards required in this Section. The linens must be transported in sanitary vehicles. Clean and soiled linens must not be transported in the same vehicle at the same time.
 - 2) Equipment and construction shall be as required in Section 518.2180.
- b) The freestanding emergency center laundry shall be:
 - 1) Located so that steam, odor, lint and objectionable noises do not reach patient or personnel areas;
 - 2) Well-lighted, ventilated and adequate in size for the needs of the FEC and for the protection of employees;
 - 3) Maintained in a safe, sanitary, lint-free condition and kept in good repair; and
 - 4) Not part of a storage area.
- c) A supply of clean linen shall be provided that is adequate for the capacity and use of the facility.
- d) Written procedures shall be developed and maintained pertaining to the handling, storage, transportation and processing of linens to prevent the spread of infection and assure the maintenance of clean linen.
- e) All linens shall be mechanically washed using soap or detergent and warm or hot water. Linens shall be disinfected by using one of the following procedures:
 - 1) Thermal Disinfection: Linen must be exposed to hot water of at least 160° F for a cumulative time of at least 25 minutes.
 - 2) Chemical and Thermal Disinfection: Linen must be exposed to wash and bleach bath water at least 140° F. The bleach bath must be at least 10 minutes long and have a starting bleach concentration of 100 ppm. This bleach concentration should be measured by titration on a periodic basis.
 - 3) Other: A step-wise wash process that has been previously documented by microbiological study published in a scientific

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

journal. The results must indicate no surviving pathogenic microorganisms and a low level of other organisms. Low level is defined as nine out of ten samples with less than two colonies per ten square centimeters of test surface.

- f) All washed linens shall be thoroughly rinsed. A neutralizing rinse is recommended.
- g) Separate areas shall be maintained for storage of clean linen and soiled linen. Linen storage areas shall be adequate in size for the needs of the facility and shall not be used for any other purpose. Storage shall not be permitted in areas or rooms where plenums of air conditioning or ventilating systems are located.
- h) Handwashing and toilet facilities for laundry personnel shall be provided at locations convenient to the laundry.
- i) Soiled and clean linen carts shall be so labeled and provided with covers made of washable materials that shall be laundered or suitably cleaned daily.

j) Soiled linen

- 1) Soiled diapers, radioactive contaminated linen and linen from pathology shall be separately transported, stored and washed.
- 2) Isolation and other potentially infectious linens shall be bagged at the location where they are used in durable, leak-proof bags resistant to puncture and tears and shall be labeled or identified as infectious at the site of use.
- 3) Soiled linen shall not be sorted or pre-rinsed in patient care areas. Soiled linen may be sorted in a separate enclosed room by a person instructed in methods of infection control. These personnel shall not have responsibility for immediately handling clean linen.
- 4) Soiled linen shall be stored and transported in a manner that does not permit contamination of clean linen, corridors and areas occupied by patients.
- 5) All carts and other containers used to store or to transport clean or soiled linen shall be identified for soiled linen only or for clean linen only and shall be kept covered when not in use.
- 6) If laundry chutes are used for transporting soiled linen, all soiled linen shall be bagged. The chutes shall be designed to maintain a negative air pressure within the chute and shall be kept in a clean and sanitary condition.

k) Clean Linen

- 1) Clean linen shall be sorted, handled and transported in such a manner as to prevent cross contamination.
- 2) Clean linen carts shall be used only for the purpose of transportation or storage of clean linen.
- 3) Persons processing clean linen shall be dressed in clean garments at all times while on duty. They shall not handle soiled linen.
- 4) Clean linen received from a commercial laundry shall be completely wrapped in convenient size bundles or otherwise

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

- 5) protected and be delivered to a designated clean area of the FEC. Clean linens shall be adequately protected from contamination. Clean linen in patient care areas shall be stored in clean, ventilated closets, rooms or alcoves, used for that purpose only. Corridors shall not be used for storage of linen.

- 6) If clean linen is stored in the laundry area, it shall be stored in a room separate from the sorting room, laundry room or soiled linen room.

Section 518.2110 Food Service

Food service, if provided by the freestanding emergency center, shall be provided in compliance with local ordinances.

Section 518.2120 Maintenance

The freestanding emergency center shall have an organized engineering and/or maintenance department under competent supervision. The requirements of NFPA Standard No. 99 (1996), "Health Care Facilities Code," shall apply in addition to the following:

- a) Maintenance services shall be under the supervision of a qualified engineer or persons who have had commensurate experience in the maintenance of public or private plants, preferably health care facilities.
- b) Personnel engaged in maintenance activities shall receive orientation and follow-up training, including training in principles of asepsis, cross-infection control, and safe practices.
- c) The FEC shall have an effective, organized, detailed preventive maintenance program. Written instructions for operating and maintaining equipment and the various mechanical, electrical, and other systems contained in the FEC shall be available to maintenance personnel.
- d) Maintenance and repairs shall be carried out in accordance with applicable codes, rules, regulations, standards and requirements of local jurisdictions, the State Fire Marshal, and the Department of Public Health.
- e) Space and equipment shall be provided for the managerial activities of the supervisor of maintenance for repair work and for storage of maintenance materials. Paints and oils shall not be stored in patient areas.
- f) The FEC structure and its component parts shall be kept in good repair and maintained with consideration for the safety and comfort of the occupants of the building. Mechanical and electrical equipment shall be maintained in good repair and operating condition at all times.
- g) Roads, walks, and parking areas shall be properly maintained.
- h) Grounds and buildings shall be maintained:
 - 1) in a clean condition free of safety hazards;
 - 2) in such manner as will prevent standing water, flooding or

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

leakage; and

- 3) free of excessive noise, odors, pollens, dusts, or environmental pollutants and such nuisances as may adversely affect the health or welfare of patients.

- i) Ventilation, heating, air conditioning, and air changing systems shall:

- 1) be maintained in good repair and shall be operated in a manner that will prevent the spread of infection and provide for patient comfort;
- 2) be maintained and operated so that air shall not be circulated from laboratories, toilet rooms, janitors' closets, storage rooms, shop areas and soiled linen to any other part of the facility;
- 3) be provided, as needed, with acceptable air filtration equipment that is cleaned and serviced at adequate intervals; and
- 4) assure that the relative humidity is maintained at a minimum of 50 percent in those areas where conductive floors are required.

Section 518.2130 Fire Safety

- a) Buildings and equipment shall be maintained so as to prevent fire and other hazards to personal safety.
- b) Exits, stairways, doors, and corridors shall be kept free of obstructions.
- c) Flammable and combustible liquids shall be labeled, stored, handled and used in compliance with the requirements of the National Fire Protection Association (NFPA) Standard No. 30 (1990) "Flammable and Combustible Liquids Code."
- d) Flammable and non-flammable gases shall be labeled, handled, and used in compliance with the requirements of NFPA Standard No. 99 (1996), "Health Care Facilities Code." Separate storage for flammable and oxidizing gases shall be provided.
- e) A master fire plan, developed to suit the needs of the facility, and acceptable to the Department, shall be maintained.
- f) Fire regulations listing the fire stations, procedures and staff emergency duties by title or position shall be posted conspicuously on each floor at appropriate locations, and shall be available in each unit, section and department.
- g) Employees shall be trained in procedures to be followed in the master fire plan.
- h) Fire drills shall be conducted at irregular intervals at least 12 times per year. A record shall be kept of the staff performance and results, and indicated corrective measures shall be made.
- i) Portable fire extinguishers, provided in accordance with NFPA Standard No. 10 (1990), "Installation of Portable Fire Extinguishers," shall be inspected at least annually, recharged or repaired as needed and labeled with the dates of the last inspection.
- j) Sprinkler systems, fire hoses, fire detection and alarm devices, and

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

other equipment for use in the fire safety program shall be connected and maintained in a fully functional condition at all times.

- k) Fire detection and protection systems shall be inspected no less than twice a year by a recognized, competent authority. A written report of the inspection shall be kept on file at the FEC for at least three years following the date of inspection.

- 1) The FEC shall maintain a procedure for reporting to a designated administrative officer, on a standard form adopted for the purpose, all accidents to patients, staff employees, or visitors. The report shall include all pertinent information and shall be kept on file for not less than six years after the occurrence is reported.
- m) The FEC shall maintain a procedure to investigate fires. A written report of the investigation containing all pertinent information shall be made. The report shall remain on file for not less than six years.

Section 518.2140 Water Supply

The Department's rules entitled "Sanitary Practice for Drinking Water, Sewage Disposal and Rest Room Facilities" (77 Ill. Adm. Code 895) shall apply, except where they differ from this Part.

- a) Water supplies of medical facilities shall be operated in conformance with the following requirements:

- 1) All water used in operation of the facility shall be provided from a public water supply or from an alternative source. The source of water supply shall be approved by the Department.
- 2) The construction, maintenance, and operation of any treatment process that might change the physical, chemical, or bacterial characteristics of the water shall be approved by the Department.
- 3) Hot water shall be available at sinks and lavatories at all times. Water shall be adequate in volume and pressure for all medical purposes.
- 4) The water system shall be operated with a hot water system adequate for all medical purposes.
- 5) The hot water supply shall be regulated by thermostatic or other control devices, which shall be either locked or located in places not accessible to patients or the general public so that the hot water used by patients and by the public is maintained at an even temperature that cannot cause personal injury.
- b) As part of the disaster and mass casualty program, a plan for the emergency supply of water must be available. This plan shall be approved by the Department, and shall include at least written contracts with any outside firms, a listing of procedures to be followed, the amounts of water needed by different departments, the means of dispensing water within the facility, and procedures for sanitizing in the case of contamination. Plans utilizing existing piping are recommended.
- c) All plumbing shall be designed, installed, and maintained in accordance with the requirements of the Illinois Plumbing Code (77

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

Ill. Adm. Code 890) except where that Code and this Part differ.

Section 518.2150 Garbage, Waste and Sewage Handling and Disposal

- a) All garbage and refuse shall be collected, stored, and disposed of in a manner that will not permit the transmission of a contagious disease, create a nuisance or fire hazard, or provide a breeding place for vermin or rodents.
- b) Solid waste shall be handled in a safe and sanitary manner within the facility. Garbage and refuse receptacles within the facility shall be made of metal or other appropriate material provided with disposable liners or shall be cleaned and disinfected after each emptying. Receptacles in areas where wet or hazardous wastes are generated shall have tight-fitting lids and shall be kept closed except during use. Carts used for transport shall be of easily cleanable construction, and shall be kept in a sanitary condition. Trash chutes shall be kept clean and sanitary. Pulping-transport systems, where installed, shall be operated and maintained in a safe and sanitary manner. All refuse must be in impervious bags during transport within the facility. Potentially hazardous waste must be identified and bagged in durable bags resistant to puncture and tears. Waste may be single bagged if it can be put in the bag without contaminating the outside; otherwise, double bagging is required. Wastes capable of producing injury, such as needles and scalpel blades, must be stored and transported in rigid containers. Blood specimens may be carefully poured down the drain.
- c) Collected garbage and refuse shall be stored in stable, durable, watertight, vermin- and rodent-proof containers, with tight-fitting lids. Lids shall be kept closed except during use. Containers shall be emptied at frequent intervals, and shall be kept clean and sanitary. Garbage storage areas shall be kept in a clean and nuisance-free condition.
- d) Final disposal of general solid waste shall be by incineration or grinding and flushing to the municipal sewerage system, or removal to a sanitary landfill. Incinerators shall be approved by the Illinois Environmental Protection Agency, for the types of wastes being generated. Sanitary landfills shall be approved by the Illinois Environmental Protection Agency. Surgical, obstetrical, and other tissue wastes shall be disposed of by grinding and flushing, incineration, or burial. Other potentially infectious wastes shall be rendered safe by grinding and flushing, incineration or steam autoclaving.
- e) Any blood or blood components, organs, semen, or other human tissue showing exposure to HIV as evidenced by two of three reactive ELISA test results (according to the package insert - product circular), or any other identified causative agent of AIDS or originating from a patient diagnosed with AIDS or AIDS-Related Complex (ARC) as defined in 77 Ill. Adm. Code 693.20, shall be disposed of by the FEC in accordance with subsection (f) of this Section, or delivered in

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

accordance with subsection (g) of this Section to a research facility to use such blood, blood components, organs, semen, or other human tissue for AIDS research.

- f) Any such blood, blood components, organs, semen, or other human tissue, and any other materials or paraphernalia exposed to, or contaminated by, such blood, blood components, organs, semen, or other human tissue shall be completely incinerated, sterilized, or sealed to render the materials innocuous before disposal or removal from the premises.

- 1) Materials shall be incinerated in accordance with the requirements of the Pollution Control Board concerning the operation of an incinerator (35 Ill. Adm. Code 724).
- 2) Materials shall be sterilized by autoclaving in accordance with the recommendations of the manufacturer of the autoclave. The effectiveness of the autoclave shall be verified and documented at least weekly with a biological spore assay containing *B. stearothermophilus*.
- 3) Incinerated or sterilized materials shall be disposed of through routine waste disposal methods without precautions against possible contamination.
- 4) Materials that have not been incinerated or sterilized shall be disposed of by a waste hauler with a proper permit from the Illinois Environmental Protection Agency under rules of the Pollution Control Board (35 Ill. Adm. Code 809). These materials must be sealed, transported, and stored in biohazard containers. These containers shall be marked "Biohazard," bear the universal biohazard symbol, and be orange, orange and black, or red. The containers shall be rigid and puncture resistant such as a secondary metal or plastic can with a lid that can be opened by a step-on pedal. These containers shall be lined with one or two high density polyethylene or polypropylene plastic bags with a total thickness of at least 2.5 mil or equivalent material. The containers that are marked "Biohazard" shall be sealed before being removed from the FEC.
- g) When an FEC delivers such blood, blood components, organs, semen or other human tissue to any research facility the FEC shall file a report with the Department (Division of Laboratories), which shall include at least the following information:
 - 1) A copy of the request from the research facility for blood or human tissue;
 - 2) The quantity of blood or human tissue delivered;
 - 3) The name and location of the research facility to which the blood or human tissue was delivered; and
 - 4) The date and time of delivery.
- h) A research facility, for the purposes of this Section, shall mean any clinical laboratory licensed under the Clinical Laboratory Act [210 ILCS 25], any blood bank licensed under the Illinois Blood Bank Act [210 ILCS 10] or any hospital licensed under the Hospital Licensing

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

- Act [210 ILCS 85].
- i) All sewage and liquid wastes shall be disposed of in a municipal sewerage system where such facilities are available. When a municipal sewerage system is not available, sewage and liquid wastes shall be collected, treated, and disposed of in an independent plant, the construction, maintenance, and operation of which are approved by the Department or by the Illinois Environmental Protection Agency.

Section 518.2160 Submission of Architectural Plans

- a) New Construction, Addition, or Major Alteration
- 1) When construction is contemplated, either for new buildings or additions or material alterations to existing buildings coming within the scope of this Part, design development drawings and outline specifications shall be submitted to the Department for review. Approval of design development drawings and specifications shall be obtained from the Department prior to starting final working drawings and specifications. Comments or approval shall be provided within 30 days after receipt by the Department.
- 2) Final Drawings
- A) The final working drawings and specifications shall be submitted to the Department for review and approval prior to beginning of construction. For final approval to remain valid, contracts must be signed within one year after approval date. Alternate methods of design development and construction may be acceptable subject to the approval of the Department. Comments or approval shall be provided within 30 days after receipt by the Department.
- B) The Department shall be notified of the award of construction contracts.
- 3) Any contract modifications that affect or change the function, design, or purpose of a facility shall be submitted to the Department for approval prior to authorizing the modifications. Comments or approval shall be provided within 60 days after receipt by the Department.
- 4) The Department shall be notified when construction has been completed or whenever any area is occupied.
- 5) As built drawings should be maintained by the freestanding emergency center.
- b) Minor Alterations and Remodeling. Minor alterations or remodeling changes that do not affect the structural integrity of the building, that do not change functional operation, that do not affect fire safety, and that do not increase capacity over that for which the FEC is licensed need not be submitted for approval.
- c) Alterations of Water Supply, Plumbing and Drainage. No system of water supply, plumbing, sewage, garbage or refuse disposal shall be installed, nor any such existing system materially altered or

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

extended, until complete plans and specifications for the installation, alteration or extension have been submitted to the Department and have been reviewed and approved.

Codes and Standards

- 1) Nothing stated in this Part shall relieve the sponsor from compliance with building codes, ordinances, and regulations that are enforced by city or county jurisdictions.
- 2) The recommendations of the BOCA National Building Code (1993) shall apply insofar as such recommendations are not in conflict with the standards set forth in this Part or with the National Fire Protection Association (NFPA) Standard No. 101 (1997), "Life Safety Code."
- A) The portions of the BOCA National Building Code requiring automatic extinguishing systems in all hospitals, smoke detectors in all patient rooms, and automatic door closers on all patient room doors are hereby specifically excluded from these requirements.
- B) The BOCA National Building Code is intended as a model code for municipalities with no building code of their own.
- C) NFPA Standard No. 101-A (1995), "Alternative Approaches to Life Safety," shall apply only if the Department determines that the proposed equivalent system is safe and does not constitute a hazard to the life and safety of the staff and patients.

Section 518.2170 Preparation of Drawings and Specifications--Submission Requirements

Drawings and specifications shall be prepared by or under the immediate supervision of an architect registered in the State of Illinois. The requirements contained herein have been established for the guidance of the FEC and the architect to provide a standard method of preparation of drawings and specifications.

- a) First Stage Submission--Design Development Drawings and Outline Specifications
- 1) The preliminary sketch plans shall indicate in detail the assignment of all spaces, size of areas and rooms, and shall indicate in outline the fixed and movable equipment and furniture.
- A) The plans shall be drawn at a scale sufficiently large to clearly present the proposed design.
- B) The drawings shall include:
- A plan of each floor including the basement or ground floor;
 - Roof plan;
 - Plan showing roads, parking areas, sidewalks, etc., elevations of all facades;
 - Sections through the building;

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

- v) All adjacent areas clearly labeled if addition or alteration; and
 - vi) Fire and smoke separation diagrams.
- 2) Outline specifications shall provide a general description of the construction including finishes; acoustical material, its extent and type; extent of the conductive floor covering; heating and ventilating systems; and the type of elevators.
- 3) The total gross floor area and bed count shall be shown on the drawings.
- 4) A brief narrative of the proposed program shall be provided.
- b) Second Stage Submission--Working Drawings and Specifications
- All working drawings shall be well prepared so that clean and distinct prints may be obtained; drawings shall be accurately dimensioned and include all necessary explanatory notes, schedules and legends. Working drawings shall be complete and adequate for contract purposes. Separate drawings shall be prepared for each of the following branches of work: architectural, structural, mechanical, electrical and shall include or contain the following:
- 1) Architectural Drawings
 - A) Site plan showing all new topography, newly established levels and grades, existing structures on the site (if any), new buildings and structures, roadways, walks, and the extent of the areas to be landscaped. All structures and improvements that are to be removed under the construction contract shall be shown.
 - B) Plan of each floor and roof.
 - C) Elevations of each facade.
 - D) Sections through building.
 - E) Elevators and dumbwaiters. Drawings delineating shaft details and dimensions, sizes of cab platforms and doors, travel distances including elevation height of landings, pit sizes, and machine rooms.
 - F) Laundry, laboratories, and similar areas shall be detailed at a scale to show the location, type, size and connection of all fixed and movable equipment.
 - G) Scale details as necessary; scale details to 1 1/2 inch to the foot may be necessary to properly indicate portions of the work.
 - H) Schedule of finishes.
 - 2) Structural Drawings
 - A) Plans of foundations, floors, roofs and all intermediate levels shall show a complete design with sizes, sections, and the relative location of the various members and a schedule of beams, girders and columns.
 - B) Floor levels, column centers, and off-sets shall be dimensioned.
 - C) Special openings and pipe sleeves shall be dimensioned or otherwise noted for easy reference.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

- D) Details of all special connections, assemblies and expansion joints shall be given.
- E) Notes on design data shall include the name of the governing building code, values of allowable unit stresses, assumed live loads, wind loads, earthquake load, and soil-bearing pressures.
- F) For special structures, a stress sheet shall be incorporated in the drawings showing:
- i) Outline of structure;
 - ii) All load assumptions used;
 - iii) Stresses and bending moments separately for each kind of loading;
 - iv) Maximum stress and/or bending moment for which each member is designed, when not readily apparent from subsection (b)(3); and
 - v) Horizontal and vertical reactions at column bases.
- 3) Mechanical Drawings. These drawings with specifications shall show the complete heating, cooling and ventilation systems, plumbing, drainage, stand pipe, and sprinkler systems.
- A) Heating, Cooling and Ventilation
- i) Radiators, coils and steam-heated equipment such as sterilizers, warmers and steam tables.
 - ii) Heating and steam mains and branches with pipe sizes.
 - iii) Diagram of heating and steam risers with pipe sizes.
 - iv) Sizes, types and heating surfaces of boilers, furnaces with stokers and oil burners, if any.
 - v) Pumps, tanks, boiler breeching and piping and boiler room accessories.
 - vi) Air conditioning systems with required equipment, water and refrigerant piping, and ducts.
 - vii) Supply and exhaust ventilating systems with connections and piping.
 - viii) Air quantities for all room supply and exhaust ventilating duct openings.
- B) Plumbing, Drainage and Stand Pipe Systems
- i) Size and elevation of street sewer, house sewer, house drains, street water main and water service into the building.
 - ii) Location and size of soil, waste, and vent stacks with connections to house drains, cleanouts, fixtures and equipment.
 - iii) Size and location of hot, cold and circulating mains, branches, and risers from the service entrance, and tanks.
 - iv) Riser diagram of all plumbing stacks with vents, water risers and fixture connections.
 - v) Gas, oxygen and similar piped systems.
 - vi) Standpipe and sprinkler systems.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

vii) All fixtures and equipment that require water and drain connections.

4) Electrical Drawings. Drawings shall show all electrical wiring, outlets, and equipment that require electrical connections.

A) Electrical service entrance with switches and feeders to the public service feeders, characteristics of the light and power current, transformers and their connections if located in the building.

B) Location of main switchboard, power panels, light panels and equipment. Feeder and conduit sizes shall be shown with schedule of feeder breakers or switches.

C) Light outlets, receptacles, switches, power outlets, and circuits.

D) Telephone layout showing service entrance, telephone switchboard, strip boxes, telephone outlets and branch conduits as approved by the telephone company. Where public telephones are used for inter-communication, provide separate room and conduits for racks and automatic switching equipment as required by the telephone company.

E) Nurse call systems with outlets for treatment rooms, duty stations, corridor signal lights, annunciators and wiring diagrams.

F) Doctors' call and doctors' in-and-out systems with all equipment wiring, if provided.

G) Fire alarm system with stations, signal devices, control board and wiring diagrams.

H) Emergency electrical system with outlets, transfer switch, source of supply, feeders, and circuits.

I) All other electrically operated systems and equipment.

5) Additions to Existing Structures

A) Procedures and requirements for working drawings and specifications are to be followed, and the following information shall be submitted:

i) Type of activities within the existing building and distribution of existing treatment rooms, etc.;

ii) Type of construction of existing building and number of stories in height;

iii) Plans and details showing attachment of new construction to the existing structure; and

iv) Mechanical and electrical systems tying into existing system.

B) The Department may require submission of architectural drawings of all or any part of the existing structure if necessary for the Department's review.

6) Specifications. Specifications shall supplement the drawings and shall comply with the following:

A) The specifications shall fully describe, except where fully indicated and described on the drawings, the materials,

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

workmanship, kind, sizes, capacities, finishes, and other characteristics of all materials, products, articles and devices.

B) The specifications shall include:

i) Cover or tile sheet;

ii) Index;

iii) Invitation for bids;

iv) General conditions;

v) General requirements;

vi) Sections describing material and workmanship in detail for each class of work; and

vii) Bid form.

Section 518.2180 Construction Details

a) Compartmentation, exits, automatic extinguishing systems and other details relating to fire prevention and fire protection shall comply with requirements listed in the appropriate sections of the National Fire Protection Association Standard 101 (1997), "Life Safety Code."

b) Items such as drinking fountains, telephone booths, vending machines, and portable equipment shall be located so as not to restrict corridor traffic or reduce the corridor width below the required minimum.

c) Doors

1) Doors to observation/treatment rooms shall not be lockable from inside the room.

2) Special Locking Arrangements: Electronic locking devices may be installed at specific locations to restrict egress or ingress for patient/staff safety or security provided each of the following is complied with and after receiving approval from the Department:

A) The facility must submit a narrative to the Department providing a rationale for having a locked door in a required means of egress. The rationale must relate to security issues.

B) The building must be protected by a sprinkler or fire detection system approved by the Department.

C) All locking system components must be U.L. listed.

D) Cross corridor, smoke or control doors that are located in a required means of egress may only be secured with electronic locks and automatic release devices. The use of manual keys or tools only to unlock the door is not permitted.

E) Locked doors must have continuous staff supervision (direct or electronic remote).

F) No other type of locking arrangement may be used in a required means of egress.

G) All locked doors must release automatically with actuation of the fire alarm system.

H) All doors must release automatically with loss of electrical

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

power to the locking device.

- I) All locks must initiate an irreversible process that will release the lock within 15 seconds whenever a force of not more than 15 pounds is continuously applied to the release device (lever type handle or panic bar) for a period of not more than 3 seconds. Relocking of such doors shall be by manual means only. Operation of the release device shall activate a sign in the vicinity of the door to assure those attempting to exit that the system is functional. Delays of up to 30 seconds may be acceptable based on the program narrative.
- J) Permanent signs must be posted on locked doors that state: "Push until alarm sounds. Door will be opened in 15 seconds." Sign letters must be at least 1 inch high with 1/8 inch stroke. Signs may be omitted for security reasons based on review of the written rationale.
- K) Emergency lighting must be provided at all locked door locations.
- L) The local fire department must be fully apprised of locked doors or units and all related details of the system.
- M) Any discharge exit door may be locked against entry.
- N) Additional electronic release of locked doors initiated from a staff duty station is to be provided.
- O) No more than one such device may be installed in any path of travel to exit discharge.
- d) The minimum width of all doors to rooms needing access for beds or stretchers shall be 3'8". Doors to rooms needing access for wheelchairs shall have a minimum width of 2'10".
- e) Doors on all openings between corridors and rooms or spaces subject to occupancy, except elevator doors, shall be swing type. Openings to patient toilets and other small wet-type areas not subject to fire hazard are exempt from this requirement. Sliding doors with a break and swing feature are acceptable.
- f) Doors, except those to spaces such as small closets that are not subject to occupancy, shall not swing into corridors in a manner that might obstruct traffic flow or reduce the required corridor width. (Large walk-in type closets are considered as occupiable spaces.)
- g) Windows shall be designed so that persons cannot accidentally fall out of them when they are open, or shall be provided with guards.
- h) Glazing. Doors, sidelights, borrowed lights, and windows in which the glazing extends down to within 18 inches of the floor (thereby creating possibility of accidental breakage by pedestrian traffic) shall be glazed with safety glass or plastic glazing material that will resist breaking and will not create dangerous cutting edges when broken. Fire-rated glass shall be used where required for fire safety.
- i) Where labeled fire doors are required, these shall be certified by an independent testing laboratory as meeting the construction

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

requirements equal to those for fire doors in NFPA Standard No. 80 (1995), "Fire Doors and Windows." Reference to a labeled door includes labeled frame and hardware.

- j) Elevator shaft openings shall be class B 1 1/2 hour labeled fire doors.
- k) Linen and refuse chutes shall meet or exceed the following requirements:
 - 1) Service openings to chutes shall not be located in corridors or passageways but shall be located in a room of construction having a fire-resistance of not less than one hour. Doors to such rooms shall be not less than class C 3/4 hour labeled doors.
 - 2) Service openings to chutes shall have approved self-closing class B 1 1/2 hour labeled fire doors.
 - 3) Minimum cross-sectional dimension of gravity chutes shall be not less than 2'0".
 - 4) Chutes shall discharge directly into collection rooms separated from incinerator, laundry, or other services. Separate collection rooms shall be provided for trash and for linen. The enclosure construction for such rooms shall have a fire-resistance rating of not less than two hours, and the doors thereto shall be not less than class B 1 1/2 hour labeled fire doors. External discharge containers need not be enclosed.
 - 5) Gravity chutes shall extend through the roof with provisions for continuous ventilation as well as for fire and smoke ventilation. Openings for fire and smoke ventilation shall have an effective area of not less than that of the chute cross-section and shall be not less than 4'0" above the roof and not less than 6'0" clear of other vertical surfaces. Fire and smoke ventilating openings may be covered with single strength sheet glass or stronger.
- 6) See NFPA Standard No. 82 (1994), "Incinerators and Rubbish Handling," for other requirements.
- 1) Dumbwaiters, conveyors, and material handling systems shall not open directly into a corridor or exitway but shall open into a room enclosed by construction having a fire-resistance rating of not less than one hour and provided with class C 3/4 hour labeled fire doors. Service entrance doors to vertical shafts containing dumbwaiters, conveyors, and material handling systems shall be not less than class B 1 1/2 hour labeled fire doors. Where horizontal conveyors and material handling systems penetrate fire-rated walls or smoke partitions, such openings must be provided with class B 1 1/2 hour labeled fire doors for two hour walls and class C 3/4 hour labeled fire doors for one hour walls or partitions.
- m) Thresholds and expansion joint covers shall be made flush with the floor surface to facilitate use of wheelchairs and carts.
- n) Grab bars shall be provided at all patients' toilets. The bars shall have 1 1/2 inch clearance to walls and shall have sufficient strength and anchorage to sustain a concentrated load of 250 pounds.
- o) An accessible shower shall be provided. Safety glass or plastic

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

glazing materials shall be used for shower doors. A grab bar shall be provided as specified in subsection (n) above. A recessed soap dish shall be provided. The shower base shall have a nonslip service.

p) Handwashing facilities shall be located and arranged to permit their proper use and operation. Particular care shall be given to the clearances required for blade-type operating handles.

q) Paper towel dispensers and waste receptacles (or electric hand dryers) shall be provided at all handwashing facilities except scrub sinks.

r) Lavatories and handwashing facilities shall be securely anchored to withstand an applied vertical load of not less than 250 pounds on the front of the fixture.

s) Radiation protection requirements of x-ray and gamma ray installations shall conform with National Council on Radiation Protection and Measurements (NCRP), Report No. 49: Structural Shielding Design and Evaluation for Medical Use of X-rays and Gamma Rays of Energies up to 10 MeV (1976) and NCRP Report No. 102: Medical X-Ray, Electron Beam and Gamma-Ray Protection for Energies Up to 50 MeV (Equipment Design, Performance and Use) (1989). The completed installation shall be tested, and all defects must be corrected before use.

t) Ceiling heights shall be as follows:

1) Boiler rooms shall have ceiling clearances not less than 2'6" above the main boiler header and connecting piping.

2) Radiographic, major procedure rooms, and other rooms containing ceiling-mounted equipment or ceiling-mounted surgical light fixtures shall have height required to accommodate the equipment or fixtures.

3) All other rooms shall have not less than 8'0" ceilings except that corridors, storage rooms, toilet rooms, and other minor rooms shall be not less than 7'8". Suspended tracks, rails, and pipes located in the path of normal traffic shall be not less than 6'8" above the floor.

u) Rooms containing heat-producing equipment (such as boiler or heater rooms and laundries) shall be insulated and ventilated to prevent any floor surface above from exceeding a temperature of 10° F (6° C) above the ambient room temperature.

v) Elevators. All multi-story facilities shall have at least one institutional-type electric or electrohydraulic elevator.

1) Cars and Platforms. Cars of hospital-type elevators shall have dimensions that will accommodate a patient bed and attendants and shall be at least 5'8" x 7'6". The car door shall have a clear opening of not less than 3'8".

2) Leveling. Elevators shall be equipped with an automatic leveling device of the two-way automatic maintaining type with an accuracy of $\pm 1/2$ inch.

3) Operation. Elevators, except freight elevators, shall be equipped with a two-way special service key operated switch to permit cars to bypass all landing button calls and be dispatched directly to any floor.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

4) Elevator controls, alarm buttons, and telephones shall be accessible to physically handicapped persons.

5) Elevator call buttons, controls, and door safety stops shall be of a type that will not be activated by heat or smoke.

6) Inspections and tests shall be conducted, and written certification shall be furnished that the installation meets the requirements set forth in this Section and all applicable safety regulations and codes.

7) All elevator installations shall meet the requirements of ANSI Standard No. A17.1.

w) Provisions for Natural Disasters

1) General Requirements. An emergency radio communication system is desirable in each facility. If installed, this system shall be self-sufficient in time of emergency and shall also be linked with the available community system and State emergency medical network system, including connections with police, fire, and civil defense system.

2) Earthquakes. In regions where local experience shows that earthquakes have caused loss of life or extensive property damage, buildings and structures shall be designed to withstand the force assumptions specified in the BOCA National Building Code. Seismic zones are identified on the map in Section 518, Illustration A.

3) Tornadoes and Floods. Special provisions shall be made in the design of buildings in regions where local experience shows loss of life or damage to buildings resulting from tornadoes or floods.

Section 518.2190 Finishes

a) Cubicle and window curtains and draperies shall be noncombustible or rendered flame retardant and shall pass both the large and small scale tests of National Fire Protection Association Standard No. 701 (1989), "Fire Tests for Flame-Resistant Textiles and Films."

b) Flame spread and smoke developed ratings of finishes shall be in accordance with NFPA Standard No. 101 (1997), "Life Safety Code."

c) Floors in areas and rooms in which flammable anesthetic agents are stored or administered to patients shall comply with NFPA Standard No. 99 (1996), "Health Care Facilities Code." Conductive flooring may be omitted from major procedure rooms provided that no flammable anesthetic agents will be used in these areas and provided that appropriate notices are permanently and conspicuously affixed to the wall in each such area and room.

d) Floor materials shall be easily cleanable and have wear resistance appropriate for the location involved. Floors in toilets, janitor's closets and similar areas shall be water resistant. In all areas frequently subject to wet cleaning methods, floor materials shall not be physically affected by germicidal and cleaning solutions.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

- e) Wall bases in soiled workrooms and other areas that are frequently subject to wet cleaning methods shall be made integral and covered with the floor, tightly sealed to the wall, and constructed without surface voids that can harbor vermin.
- f) All wall finishes shall be washable and, in the immediate area of plumbing fixtures, shall be smooth and moisture resistant. Walls in spaces subject to frequent cleaning shall be of suitable materials.
- g) Floor and wall penetrations by pipes, ducts, and conduits shall be tightly sealed to minimize entry of vermin, smoke and fire. Joints of structural elements shall be similarly sealed.
- h) Ceilings shall be cleanable and those in sensitive areas such as major procedure rooms shall be readily washable and without crevices that can retain dirt particles. These sensitive areas shall have a finished ceiling covering all overhead duct work and piping. Finished ceilings may be omitted in mechanical and equipment spaces, shops, general storage areas, and similar spaces, unless required for fire-resistive purposes.
- i) The following areas shall have acoustical ceilings:
- 1) Corridors in patient areas,
 - 2) Nurses' stations,
 - 3) Waiting areas.

Section 518.2200 Structural Requirements

- a) In addition to compliance with this Part, all applicable local or State buildings codes and regulations must be observed.
- b) The buildings and all parts thereof shall be of sufficient strength to support all dead, live, and lateral loads without exceeding the working stresses permitted for the materials of their construction in generally accepted good engineering practice.
- c) Special provision shall be made for machines or apparatus loads that would cause a greater load than the specified minimum live load.
- d) Consideration shall be given to structural members and connections of structures that may be subject to earthquakes or tornadoes. Floor areas where partition locations are subject to change shall be designed to support for the partition, a uniformly distributed load of 25 p.s.f.
- e) Construction shall be in accordance with the requirements of National Fire Protection Association Standard No. 101 (1997), "Life Safety Code," and the minimum requirements contained herein.
- 1) Foundations shall rest on natural solid ground and shall be carried to a depth of not less than 1 foot below the estimated frost line or shall rest on leveled rock or load-bearing piles or caissons when solid ground is not encountered. Footings, piers, and foundation walls shall be adequately protected against deterioration from the action of ground water. Test borings shall be taken to establish proper soil-bearing values for the soil at the building site.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

- 2) Assumed live load shall be in accordance with the BOCA National Building Code.
- 1) Chapter 12, "New Health Care Occupancies," 1997 Edition of the Life Safety Code for hospitals shall apply in its entirety.

Section 518.2210 Mechanical Requirements

- a) General Requirements
- 1) Mechanical systems shall be tested, balanced, and operated to demonstrate that these systems are installed and will perform according to the plans and specifications.
 - 2) Upon completion of the contract, the owner shall obtain a complete set of manufacturers' installation, operating, maintenance and preventive maintenance instructions, and a parts list with numbers and a description for each piece of equipment. The owner shall also obtain instruction in the operational use of the systems and equipment as required.
- b) Thermal and Acoustical Insulation
- 1) Insulation shall be provided for the following, which are located within the building:
 - A) Boilers, smoke breaching, and stacks.
 - B) Steam supply and condensate return piping.
 - C) Hot water piping above 120° F and all water heaters, generators, and converters. Exposed hot water supplies to fixtures need not be insulated except where exposed to contact by physically handicapped persons.
 - D) Chilled water, refrigerant, other process piping and equipment operating with fluid temperatures below ambient dew point.
 - E) Water supply, storm and drainage piping on which condensation may occur.
 - F) Air ducts and casings with outside surface temperature below ambient dew point.
 - G) Other piping, ducts, and equipment as necessary to maintain the efficiency of the system.
 - 2) Insulation on cold surfaces shall include an exterior vapor barrier.
 - 3) Insulation, including finishes and adhesives on exterior surfaces of ducts and equipment, shall have a flame spread rating of 25 or less and a smoke developed rating of 50 or less as determined by an independent testing laboratory in accordance with NFPA Standard No. 255 (1990), "Standard Method of Test of Surface Burning Characteristics of Building Material."
 - A) Pipe insulation shall have a flame spread rating of 25 or less and a smoke developed rating of 150 or less.
 - B) All construction exposed to air flow in air distribution plenums shall have a flame spread rating of 25 or less and a smoke developed rating of 50 or less.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

- 4) No duct linings shall be permitted downstream of the 90% filters serving areas requiring 90% filtration.

c) Steam and Hot Water Systems

- 1) Boilers shall have the capacity to supply the normal requirements of all systems and equipment. The number and arrangement of boilers shall be such that when one boiler breaks down or is temporarily taken out of service, the capacity of the remaining boiler(s) shall be sufficient to provide hot water service, steam for sterilization, and heating for all treatment rooms and major procedure rooms.
- 2) Boiler feed pumps, heating circulating pumps, condensate return pumps and fuel oil pumps shall be connected and installed to provide normal and standby service.
- 3) Supply and return mains and risers of cooling, heating and process steam systems shall be valved to isolate the various sections of each system. Each piece of equipment shall be valved at supply and return ends.
- 4) Humidifiers used in conjunction with air handling systems shall be of the direct steam injection type.

d) Air Conditioning, Heating and Ventilating Systems

- 1) This Part is intended to provide a comfortable, clean, controlled environment for the FPC by employing the most economical and energy efficient systems consistent with these minimum requirements.

A) The minimum requirements as set forth in this Part in no way relieve the designer from providing system capacities and components as required to maintain control of air quality, odor, ventilation rates, space temperatures and space humidity as set forth herein.

B) The design of air conditioning, heating and ventilation systems shall be based on no less than the recommended outdoor design conditions listed in the ASHRAE Handbook of Fundamentals (1981) for 99% occurrence (Winter) and 1% occurrence (Summer).

2) Ventilation Systems

A) Air handling systems shall conform to NFPA Standard No. 90A (1989), "Installation of Air Conditioning and Ventilating Systems."

B) Fire dampers, smoke dampers and smoke control systems shall be constructed, located and installed in accordance with the requirements of NFPA Standard No. 90A (1989), "Installation of Air Conditioning and Ventilating Systems."

C) Ducts that penetrate construction intended for x-ray or other ray protection shall preserve the effectiveness of the protection.

D) Outdoor air intakes shall be located at least 15 feet from exhaust outlets of ventilation systems, combustion equipment stacks, medical/surgical vacuum systems, plumbing vents or

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

from areas that may collect vehicular exhaust or other noxious fumes unless other provisions are made to minimize recirculation of exhaust into outdoor air intakes. Plumbing and vacuum vents that terminate above the level of the top of the air intake may be located as close as 10 feet. The bottom of outdoor air intakes serving central systems shall be located as high as practical but at least 6 feet above ground level, or if installed above the roof, 3 feet above the roof level.

E) Exhaust outlets from areas that may be contaminated by dangerous or noxious dust, fumes, mists, gases, odors, infectious material or other contaminants harmful to people shall be above the roof level. The discharge to the atmosphere shall be located as far as possible but not less than 25 feet from any operable window, door, and/or outdoor intake for a fan that discharges air to an occupied space.

F) The ventilation systems shall be designed and balanced to provide the ventilation and pressure relationships hereinafter specified.

G) If the ventilation rates required (as hereinafter specified) do not provide sufficient make-up air for use by hoods, safety cabinets, and exhaust fans, the additional make-up air shall be provided to maintain required pressure balance.

H) An all outdoor air system may be used where required by local codes, provided that some form of air-to-air or air-to-water heat recovery system will be included to reclaim the energy otherwise discharged with the air exhausted to the outside.

I) To provide maximum energy conservation, air supplied to patient care areas not required as make-up air for 100% exhaust systems shall be recirculated. Any air within the FEC that is circulated between patient rooms, or patient rooms and other areas of the FEC, shall pass through filters having an efficiency of 90% (see subsection (d)(3) on filters below).

J) To provide maximum energy conservation, air supplied to housekeeping, administration and other nonsensitive areas not required as make-up air for 100% exhaust systems shall be recirculated. These areas require filters having a minimum efficiency of 30% on the inlet side of the Air Handling Unit.

K) When a central system serves areas with different filtration requirements, the most stringent filtration requirement will be provided for the complete system.

L) All outside air supplied to patient care areas shall pass through 90% filters (see subsection (d)(3) on filters below).

M) Minimum air circulation requirements indicated hereinafter

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

are applicable to occupied spaces. During unoccupied periods, minimum air circulation may be provided as required to maintain space design temperature conditions.

- N) Where fan coil or terminal room unit systems are provided in areas to be occupied by patients, through the wall outside air ventilation is not acceptable. A separate central ventilation system, with final filters having a minimum efficiency of 90%, shall supply the required outdoor air ventilation.

3) Filters

- A) All central ventilation or air conditioning systems shall be equipped with filters having efficiencies no less than those specified in the area requirements.
- B) Where two filter beds are required, filter bed No. 1 shall be located upstream of the conditioning equipment and filter bed No. 2 shall be located downstream of the supply fan and conditioning equipment.
- C) Where only one filter bed is required, it shall be located upstream of the air conditioning equipment.
- D) All filter efficiencies shall be average atmospheric dust spot efficiencies tested in accordance with ASHRAE Handbook of Fundamentals (1981).
- E) Filter frames shall be durable and shall provide an airtight fit with the enclosing duct work. All joints between filter segments and enclosing duct work shall be gasketed or sealed to provide a positive seal against air leakage.
- F) A local indicating device shall be installed across each filter bed serving central air systems to measure the static pressure drop across the bed.
- e) Area Requirements: These requirements are listed in outline format.

- 1) Administration, Public Area, Medical Records, and Housekeeping Offices

A) Filters:

- i) Central ventilation systems shall be provided with prefilters having a minimum efficiency of..... 30%
- ii) Units that recirculate air within a room shall be provided with filters having a minimum efficiency of..... 10%

B) Space Design Conditions:

- i) Temperature, dry bulb..... 75° F
- ii) Relative humidity, winter, minimum..... 30%
- iii) Relative humidity, summer, maximum..... 60%

C) Air Circulation:

- i) Total air supplied to each space shall be as required to maintain space design conditions.
- ii) Outdoor air supplied shall be no less than 20% of the total air supplied.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

D) Space Pressurization:

Ventilation system shall be designed and balanced so that space pressure, in relation to surrounding areas of the building, is..... neutral

E) Recirculation of air within room permitted..... yes

2) Laboratories

A) Filters:

- i) Central ventilation systems shall be provided with prefilters having a minimum efficiency of..... 30% and final filters having a minimum efficiency of..... 90%
- ii) Units that recirculate air within a room shall be provided with filters having a minimum efficiency of..... 30%

B) Space Design Conditions:

- i) Temperature, dry bulb..... 75° F
- ii) Relative humidity, winter, minimum..... 30%
- iii) Relative humidity, summer, maximum..... 60%

C) Air Circulation:

- i) Total air supplied to each space shall be as required to maintain space design conditions.
- ii) Outdoor air supplied shall be no less than 20% of the total air supplied.

D) Space Pressurization:

Ventilation system shall be designed and balanced so that space pressure, in relation to surrounding areas of the building, is..... negative

- E) Recirculation of air within room permitted except in areas, as listed below, where all air must be exhausted directly to the outdoors..... yes

- F) Air from the following areas shall be exhausted directly to the outdoors:

- i) All fume hoods
- ii) Histology
- iii) Bacteriology
- iv) Glass Washing Areas

- G) All air exhausted from fume hoods shall be made up with outside air.

H) Laboratory hoods

shall meet the following general requirements:

- i) Have an average face velocity of not less than 75 feet per minute;
- ii) Be connected to an exhaust system that is separate from the building exhaust system;
- iii) Have an exhaust duct system of noncombustible

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

corrosion-resistant material consistent with the usage of the hood; and

iv) Have an exhaust fan located at the discharge end of the duct system unless provided with welded stainless steel duct from fan outlet to termination.

I) Laboratory hoods shall meet the following special requirements:

- i) Each hood that processes infectious or radioactive materials shall have a minimum face velocity of 100 feet per minute, shall be connected to an independent exhaust system, shall be provided with filters with 99.97% efficiency (based on the DOP, dioctylphthalate, test method as described in DOP Penetration Test Method MIL STD No. 282 (1976): Filter Units, Protective Clothing, Gas-Mask Components and Related Products: Performance Test Methods) in the exhaust system, and shall be designed and equipped to permit the safe removal, disposal and replacement of contaminated filters.
- ii) Duct systems serving hoods in which radioactive and/o. strong oxidizing agents such as prechloric or nitric acid are used shall be constructed of stainless steel and shall be equipped with wash down facilities.

3) Radiology Suite; X-Ray Diagnostic, Fluoroscopy, and Special Procedures

A) Filters:

- i) Central ventilation systems shall be provided with prefilters having a minimum efficiency of..... 30% and final filters having a minimum efficiency of..... 90%
- ii) Units that recirculate air within a room shall be provided with filters having a minimum efficiency of..... 30%
- iii) The exhaust from isotope storage shall be provided with filters with 99.97% efficiency (based on the DOP, dioctylphthalate, test method as described in DOP Penetration Test Method MIL STD No. 282 (1976): Filter Units, Protective Clothing, Gas-Mask Components and Related Products: Performance Test Methods).

B) Space Design Conditions:

- i) Temperature, dry bulb..... 75° F
- ii) Relative humidity, winter, minimum..... 30%
- iii) Relative humidity, summer, maximum..... 60%

C) Air Circulation:

- i) Total air supplied to each space shall be as required to maintain space design conditions.
- ii) Outdoor air supplied shall be no less than 20% of the

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

total air supplied.

D) Space Pressurization:

Ventilation system shall be designed and balanced so that space pressure, in relation to surrounding areas of the building, is..... neutral

E) Recirculation of air within room permitted..... yes

F) Air from the following areas shall be exhausted directly to the outdoors:

Nuclear medicine and isotope storage.

4) Pharmacy Suite

A) Filters:

- i) Central ventilation systems shall be provided with prefilters having a minimum efficiency of..... 30% and final filters having a minimum efficiency of..... 90%

- ii) Units that recirculate air within a room shall be provided with filters having a minimum efficiency of..... 30%

B) Space Design Conditions:

- i) Temperature, dry bulb..... 75° F
- ii) Relative humidity, winter, minimum..... 30%
- iii) Relative humidity, summer, maximum..... 60%

C) Air Circulation:

- i) Total air supplied to each space shall be as required to maintain space design conditions.
- ii) Outdoor air supplied shall be no less than 20% of the total air supplied.

D) Space Pressurization:

Ventilation system shall be designed and balanced so that space pressure, in relation to surrounding areas of the building, is..... neutral

E) Recirculation of air within room permitted..... yes

5) Observation/Treatment Rooms

A) Filters:

- i) Central ventilation systems shall be provided with prefilters having a minimum efficiency of..... 30% and final filters having a minimum efficiency of..... 90%

- ii) Units that recirculate air within a room shall be provided with filters having a minimum efficiency of..... 10%

B) Space Design Conditions:

- i) Temperature, dry bulb..... 75° F
- ii) Relative humidity, winter, minimum..... 30%

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

- iii) Relative humidity, summer, maximum..... 60%
- C) Air Circulation (Patient Rooms):
- i) Total air supplied, cfm per bed..... 15
- ii) Outdoor air supplied, cfm per bed..... 10
- D) Air Circulation:
- i) Total air supplied to each space shall be as required to maintain space design conditions.
- ii) Outdoor air supplied shall be no less than 20% of the total air supplied.
- E) Space Pressurization:
- Ventilation system shall be designed and balanced so that space pressure, in relation to surrounding areas of the building, is..... neutral
- F) Recirculation of air within room permitted..... yes
- G) Isolation Rooms: These rooms may be used two ways: to protect the patient from the facility environment or to protect the facility environment from the patient. Isolation rooms shall have the same conditions as other treatment rooms, except the air flow shall be capable of being either into the room or out of the room. When the facility is being protected (communicable disease), all air shall be exhausted directly to the outdoors.
- 6) Major Procedure Rooms
- A) Filters:
- i) Central ventilation systems shall be provided with prefilters having a minimum efficiency of..... 30%
- ii) and final filters having a minimum efficiency of..... 90%
- iii) Units that recirculate air within a room shall be provided with filters having a minimum efficiency of..... 30%
- B) Space Design Conditions:
- i) Temperature, dry bulb (adj. range)..... 70°-76° F
- ii) Relative humidity, winter, minimum..... 40%
- iii) Relative humidity, summer, maximum..... 60%
- C) Air Circulation:
- i) Total air supplied, air changes per hour..... 15
- ii) Outdoor air supplied shall be no less than 20% of the total air supplied.
- D) Space Pressurization:
- Ventilation system shall be designed and balanced so that space pressure, in relation to surrounding areas of the building, is..... positive
- E) Recirculation of air within room permitted..... yes

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

- 7) Central Sterile Supply
- A) Filters:
- i) Central ventilation systems shall be provided with prefilters having a minimum efficiency of..... 30%
- ii) and final filters having a minimum efficiency of..... 90%
- B) Space Design Conditions:
- i) Temperature, dry bulb (adj. range)..... 75° F
- ii) Relative humidity, winter, minimum..... 30%
- iii) Relative humidity, summer, maximum..... 60%
- C) Air Circulation:
- i) Total air supplied to each space shall be as required to maintain space design conditions.
- ii) Outdoor air supplied shall be no less than 20% of the total air supplied.
- D) Air flow shall be from the clean area toward soiled or decontamination area.
- E) Sterilization Room:
- i) Where only steam autoclaves are installed, the air exhausted from the sterilizer area for heat control may be recirculated through a central system that is provided with filters having a minimum efficiency of 90%.
- ii) Where ethylene oxide sterilizers are used, all air contaminated with ethylene oxide above 1 PPM must be exhausted directly outdoors. No air shall be recirculated that has more than 1 PPM of ethylene oxide present.
- 8) Linen Services; Laundry
- A) Filters:
- i) Central ventilation systems shall be provided with prefilters having a minimum efficiency of..... 30%
- ii) and final filters having a minimum efficiency of..... 80%
- B) Space Design Conditions:
- Temperature, dry bulb (winter)..... 70° F
- C) All air from the soiled storage and sorting area shall be exhausted directly to outdoors.
- D) Air flow shall be from the clean area to the soiled area. Air from the clean area may be used to make up air exhausted from the soiled area.
- E) Air from the clean area may be recirculated within the laundry complex, but shall pass through a lint screen or trap before returning to the air handling unit.
- F) The entire laundry ventilation system shall be controlled so that air flow is into the laundry from the FEC.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

- G) Circulation and ventilation rates may be variable, but sufficient outside air must be supplied to make up for exhaust. Minimum circulation of unconditioned air at summer design conditions shall be 2 cfm per square foot or 12 air changes per hour, whichever is larger.

9) Miscellaneous Supporting Areas

- A) Space temperatures shall be maintained for occupant comfort.
B) Ventilation system shall be designed and balanced so that air flows into these spaces from adjacent areas.

C) Anesthesia Storage Rooms:

- i) All air shall be exhausted directly to the outdoors.
ii) Minimum exhaust ventilation rates shall be six air changes per hour.
iii) The ventilation system shall conform to the requirements of NFPA Standard No. 99 (1996), "Health Care Facilities Code," including the option to provide a gravity (non-mechanical) ventilation system.

- iv) Supply air make-up for exhaust requirements may be provided from a mechanical ventilation system or by transfer from adjacent areas.

D) Soiled Holding and Work Rooms:

- i) All air shall be exhausted directly to the outdoors.
ii) Minimum exhaust ventilation rates shall be 10 air changes per hour.
iii) Supply air make-up for exhaust requirements may be provided from a mechanical ventilation system or by transfer from adjacent areas.

E) Toilet Rooms:

- i) Exhaust air may be recirculated through a central ventilation system that is provided with final filters having a minimum efficiency of 90%. Otherwise, all air shall be exhausted directly to the outdoors.
ii) Minimum exhaust ventilation rate shall be 1.5 cfm per square foot of floor area, but no less than 50 cfm.
iii) Supply air make-up for exhaust requirements may be provided from a mechanical ventilation system or by transfer from adjacent areas.

F) Janitor Closets, Linen and Trash Chute Rooms:

- i) All air shall be exhausted directly to the outdoors.
ii) Minimum exhaust ventilation rate shall be 1.5 cfm per square foot of floor area, but no less than 50 cfm.
iii) Supply air make-up for exhaust requirements may be provided from a mechanical ventilation system or by transfer from adjacent areas.

- G) Boiler rooms shall be provided with sufficient outdoor air to maintain combustion rates of equipment and limit temperatures in working stations to 97° F effective temperature (97° F and 50% relative humidity or its

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

equivalent) as defined by ASHRAE Handbook of Fundamentals (1981).

- H) Rooms containing heat-producing equipment, such as boiler rooms, heater rooms, food preparation centers, laundries, sterilizer or mechanical equipment rooms, shall be insulated and ventilated to prevent any floor surface above from exceeding a temperature of 100° F.

Section 518.2220 Plumbing and Other Piping Systems

a) General Requirements

All plumbing systems shall be designed and installed in accordance with the Illinois State Plumbing Code except that the number of waterclosets, urinals, lavatories, drinking fountains and other fixtures shall be as required by this Part and the FEC programs.

b) Plumbing Fixtures

- 1) Plumbing fixtures shall be of nonabsorptive acid-resistant materials.

- 2) The water supply spout for lavatories and sinks required for filling pitchers, for medical and nursing staff handwashing shall be mounted so that its discharge point is a minimum perpendicular distance of 5 inches above the rim of the fixture.

- 3) Handwashing lavatories used by medical and nursing staff shall be trimmed with valves that can be operated without the use of hands where specifically required in this Part.

- A) When blade handles are used for this purpose the blade handles shall not exceed 4 1/2 inches in length, except the handles on clinical sinks shall not be less than 6 inches in length.

- B) The handwashing and/or scrub sinks for major procedure rooms shall be trimmed with valves that are aseptically operated (i.e., knee or foot controls) without the use of hands. Wrist blades are not acceptable.

- 4) Clinical rim flush sinks shall have an integral trap in which the upper portion of a visible trap seal provides a water surface.

c) Water Supply Systems

- 1) Systems shall be designed to supply water at sufficient pressure to operate all fixtures and equipment during maximum demand periods.

- 2) Each water service main, branch main, riser and branch to a group of fixtures shall be valved. Stop valves shall be provided at each fixture.

- 3) Flush valves installed on plumbing fixtures shall be of a quiet operating type, equipped with silencers.

- 4) Bedpan flushing devices shall be provided on each patient toilet unless a clinical service sink is centrally located in each nursing unit. This requirement does not apply to psychiatric units.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

5) Water distribution systems shall be arranged to provide hot water at each hot water outlet at all times. Hot water at shower and handwashing facilities shall not exceed 110° F (43° C).

d) Water Heaters and Tanks

1) The water heating equipment shall have sufficient capacity to supply water at the temperatures and quantities in the following areas:

	Clinical	Laundry
gallons/hour/bed	6 1/2	4 1/2
liters/second/bed	.007	.005
temperature °F	100	180
temperature °C	43	82

Water temperatures are to be taken at hot water point of use or inlet to processing equipment.

2) Storage tanks shall be fabricated of corrosion-resistant metal or lined with non-corrosive material.

e) Drainage Systems

1) Drain lines from sinks in which acid wastes may be poured shall be fabricated from acid-resistant material.

2) Insofar as possible, drain piping shall not be installed over major procedure rooms and similar critical areas. Special precautions shall be taken to protect these areas from possible leakage or condensation from such overhead piping systems.

3) Floor drains shall not be installed in major procedure rooms.

4) Building sewers shall discharge into a public sewerage system.

5) Where a public sewerage system is not available, plans for any private sewage disposal system shall be submitted to the Environmental Protection Agency of Illinois for review for approval before construction is started.

f) Nonflammable medical gas systems shall be installed in accordance with NFPA Standard No. 99 (1996), "Health Care Facilities Code."

g) Clinical vacuum (suction) systems shall be installed in accordance with Compressed Gas Association Pamphlet P-2.1 (1970), "Standard for Medical-Surgical Vacuum Systems in Hospitals."

h) Medical compressed air systems shall be installed in accordance with Compressed Gas Association Pamphlet P-2.1.

i) Oxygen, vacuum and medical compressed air shall be piped to the locations indicated in Section 518. TABLE A with the required station outlets.

j) Service outlets for central housekeeping vacuum systems, if used, shall not be located within major procedure rooms.

k) Fire Extinguishing Systems

1) All fire extinguishing systems shall be designed, installed and maintained in accordance with NFPA Standard No. 101 (1997), "Life Safety Code," NFPA Standard No. 13 (1994), "Sprinkler Systems," and NFPA Standard No. 13A (1987), "Sprinkler System Maintenance."

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

2) Class III, Type 1 inside standpipe system shall be provided in all buildings more than four stories or 55 feet in height. Such standpipe systems shall conform to the requirements of NFPA Standard No. 14 (1980), "Standpipe and Hose Systems."

Section 518.2230 Electrical Requirements

a) General Requirements

1) All materials including equipment, conductors, controls, and signaling devices shall be installed in compliance with applicable sections of the NFPA Standard No. 70 (1996), "National Electric Code," including Article 517, and as necessary to provide a complete electrical system.

2) All electrical installations, including alarm, nurses' call and communication systems, shall be tested to demonstrate that the equipment installation and operation conforms to these requirements.

b) Switchboards and Power Panels

These items shall comply with NFPA Standard No. 70 (1996), "National Electric Code." The main switchboard shall be located in an area separate from plumbing and mechanical equipment and be accessible only to authorized persons.

c) Panelboards. Panelboards serving lighting and appliance circuits shall be located on the same floor as the circuits they serve. This requirement does not apply to the life safety system.

d) Lighting

1) All spaces occupied by people, machinery, and equipment within buildings, approaches to and through exits from buildings, and parking lots shall have lighting.

2) Major procedure rooms shall have general lighting in addition to local lighting provided by special lighting units at the procedure tables. The general lighting shall provide a minimum of 100 footcandles at the procedure tables. Each fixed special lighting unit at the tables shall be connected to an independent circuit.

e) Receptacles (Convenience Outlets)

1) Each major procedure room shall have at least two receptacles installed on each wall or eight receptacles in diversified locations per room.

2) Each observation/treatment room shall have duplex grounding type receptacles as specified in Article 517-83 and 517-84 of the National Electrical Code. The mounting height of these receptacles shall be 22 to 42 inches above the finished floor.

3) Duplex receptacles for general use shall be installed approximately 50'0" apart in all corridors and within 25'0" of the ends of corridors. These receptacles shall be circuited to the emergency system. Single polarized receptacles marked for use of x-ray only shall be located in corridors of patient areas

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

so that mobile equipment may be used in any location within a patient room without exceeding a cord length of 50'0" attached to the equipment. If the same mobile x-ray unit is used in major procedure rooms and in treatment rooms, all receptacles for x-ray use shall be of a configuration that one plug will fit the receptacles in all locations. Where capacitive discharge or battery-powered x-ray units are used, these polarized receptacles are not required.

- f) At least two x-ray film illuminators shall be installed in each major procedure room and in the x-ray viewing room of the radiology department. More than two units shall be installed as needed.

g) Nurses' Calling System

1) Each observation/treatment room shall be served by at least one calling station. Calls shall register with nursing staff and shall activate a visible signal in the corridor at the observation/treatment room door. In multicorridor nursing units, additional visible signals shall be installed at corridor intersections. In rooms containing two or more calling stations, indicating lights shall be provided at each station. Nurses' calling systems that provide two-way voice communications shall be equipped with an indicating light at each calling station which will remain lighted as long as the voice circuit is operating.

- 2) Nurse call duty stations shall be installed in the clean work room, soiled work room, medicine preparation room, nourishment station and nurses' lounge of the unit.

3) A nurses' call emergency station shall be provided for patients' use at each patient's toilet and at the shower. These stations are to be the pull-cord type with the cord reaching within 6 inches of the floor. The cords are to be located within reach of a patient.

- 4) In areas where patients are under constant surveillance, the nurses' calling system may be limited to a bedside station that will actuate a signal that can be readily seen by the other nurses.

5) A communications system that may be used by nurses to summon assistance shall be provided in each major procedure room.

h) Communication System

1) A loud speaker type sound system shall be provided throughout the facility to allow for announcements, such as paging of personnel and other necessary audio functions.

2) Speakers shall be located in all departments to allow hospital personnel to adequately hear all audio outputs from the system.

3) The system shall be used as the communication link for emergency announcements, i.e., code blue, impending disasters and others. The audio line at the last speaker in the audio circuits shall be electrically supervised against opens and grounds. The supervision shall be indicated at a building location that is

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

staffed 24 hours a day.

i) Emergency Electric Service

1) To provide electricity during an interruption of the normal electric supply, an emergency source of electricity shall be provided and connected to the life safety branch, the critical branch, and the equipment branch for lighting and power as established in NFPA Standard No. 70.

- 2) The source of this emergency electric service shall be as follows:

A) An emergency generating set when the normal service is supplied by one or more central station transmission lines.

B) An emergency generating set or a central station transmission line when the normal electric supply is generated on the premises.

3) Emergency Generating Set

A) The required emergency generating set, including the prime mover and generator, shall be located on the premises. Where stored fuel is required for the emergency generator operations, the storage capacity shall be sufficient for not less than 24 hours continuous operation.

B) The emergency generator set may be used during periods of high energy demands on local utilities. In the event of an outage of the normal power source, the normal loads shall immediately be removed from the emergency generator set, and the life safety branch, the critical branch, and the equipment branch shall be connected to the generator.

Section 518.2240 Building Requirements

a) Location

The freestanding emergency center shall be conveniently accessible to the population served. In selecting location, consideration shall be given to factors affecting source and quantity of patient load, including highway systems, public transportation, industrial plants, and recreational areas.

b) Parking

One parking space for each staff member on duty at any one time and no fewer than two spaces for each major procedure room and each observation/treatment room shall be provided. Handicapped parking spaces shall be provided as required in the Illinois Accessibility Code (77 Ill. Adm. Code 400). Additional spaces shall be provided for emergency vehicles. Street, public, and shared lot spaces shall be exclusive for the use of the emergency facility. All required parking spaces shall be conveniently located to the emergency entrance.

c) Administration and Public Areas

1) An entrance shall be located at grade level and be able to accommodate wheelchairs.

A) All entrances shall be covered to permit protected transfer

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

of patients from ambulances, and a ramp for wheelchairs and stretchers shall be provided in addition to steps. Doors to emergency services shall be not less than 4 feet wide.

- B) The emergency entrance shall have vision panels to minimize conflict between incoming and outgoing traffic and to allow for observation of the unloading area from the control station.

2) A lobby and waiting area shall be provided and shall provide:

- A) convenient access to wheelchairs and stretchers;
 B) a control station that may be used for triage functions, is in direct communication with medical staff and has direct visual control of the emergency entrance, observation of arriving vehicles, and access to treatment and lobby areas;
 C) waiting areas convenient to the reception and interview areas;
 D) public toilet facilities for males and females.

3) Facilities for conducting interviews with patients and others shall be provided and shall include provisions for acoustical privacy.

4) General and individual offices shall be provided.

5) Clerical spaces shall be provided.

6) Multipurpose rooms for staff conferences and consultation shall be provided.

7) Equipment and general storage areas shall be provided.

d) Clinical Facilities

1) At least one major procedure room shall be provided and shall meet the following requirements:

- A) a minimum clear area of 360 square feet exclusive of cabinets, shelves, door swings and fixed obstructions;
 B) a minimum clear dimension of 20 feet;
 C) if laser equipment is to be used, the square footage of this room is to be increased to a clear area of 400 square feet;
 D) emergency communication equipment connected to the control station;

E) x-ray film illuminator;

F) mechanical and electrical systems and devices that meet requirements for hospital surgical rooms in the Hospital Licensing Requirements (77 Ill. Adm. Code 250).

2) Where additional major procedure rooms are set up for multi-patient use, these rooms shall meet the following requirements:

- A) a minimum clear area of not less than 180 square feet per patient stretcher or bed;
 B) a minimum clear dimension of 10 feet per space;
 C) emergency communication equipment connected to the control station;
 D) x-ray film illuminator;

E) mechanical and electrical devices that meet requirements for

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

hospital surgical rooms in the Hospital Licensing Requirements (77 Ill. Adm. Code 250).

- 3) A holding area for stretchers and wheelchairs within the clinical area shall be provided away from traffic and under staff control.
 4) A poison control service shall be provided that contains the following services:

- A) immediately accessible antidotes;
 B) a file of common poisons; and
 C) communications links with regional and national poison centers and regional EMS centers.

5) A nurses' work and control station shall be located to permit visual control and access to clinical areas and shall contain space and equipment to allow the following services to be provided:

- A) charting;
 B) storage of files;
 C) staff consultation; and
 D) communication link with exam/treatment, trauma/cardiac, reception control, laboratory, radiology, on-call staff.

6) A CPR emergency cart shall be located away from traffic and available to all areas.

7) Scrub stations shall be provided at each trauma/cardiac room with water and soap controls operable without the use of hands.

e) Radiology

1) Facilities for basic diagnostic radiological procedures shall be provided and shall include the following elements:

- A) a size adequate to accommodate needed equipment with a minimum clearance of 3 feet on all four sides of the table;
 B) a shielded control alcove with windows providing a full view of the examination table and the patient; and
 C) a patient toilet accessible from the radiographic room.

2) Film processing facilities shall be provided.

3) Viewing and administrative areas shall be provided.

4) Storage facilities for exposed film shall be provided.

5) Dressing rooms or booths with convenient toilet access shall be provided.

f) Laboratory

1) Laboratory Facilities shall be provided for the performance of tests in hematology, clinical chemistry, urinalysis, microbiology, anatomic pathology, and cytology to meet the workload described in the functional program.

2) Provisions shall be made for the following procedures to be performed on-site: blood counts, urinalysis, blood glucose, electrolytes, blood urea and nitrogen (BUN), coagulation, and transfusions (type and cross-match capabilities). Provisions shall also be included for specimen collection and processing.

3) The following shall be provided in the laboratory suite:

- A) Work counters with space for items such as microscopes,

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

chemical analyzers, incubators, and centrifuges. The work counters shall include sinks and provisions for fluid disposal, eye washes, vacuum, gases, electrical services, and piped-in air.

B) Hand-washing lavatories operable without the use of hands at strategic locations for convenience of use.

C) Storage facilities.

D) Chemical safety provisions including emergency showers, eye-flushing devices, and blankets. Floor drains shall be provided at the location of the emergency shower locations.

E) Flammable liquid storage in the form of vented cabinets designed for use with flammable liquids.

F) Specimen collection facilities including: blood collection area with work counter, space for patient seating and hand washing (operable without the use of hands). A urine and feces collection room equipped with water and lavatory shall be provided.

G) A terminal sterilization facility for contaminated specimens (autoclave or electric oven).

H) If radioactive materials are employed, facilities for long-term storage and disposal of these materials. These facilities shall be appropriately shielded to prevent exposure.

g) Staff locker rooms and toilets shall be provided.

h) At least one housekeeping room per floor shall be provided. It shall contain a service sink and storage for housekeeping supplies and equipment.

i) Utility Rooms

1) A clean utility room shall be provided and contain the following:

A) storage for clean and sterile supplies and equipment;

B) work counters;

C) hand-washing sinks operable without the use of hands;

D) ice maker;

E) under-counter refrigerator; and

F) communications equipment.

2) A soiled utility room shall be provided and contain the following:

A) storage for soiled supplies and equipment;

B) work counters;

C) hand-washing sinks operable without the use of hands;

D) communications equipment; and

E) clinical service sink.

j) Sterile supply and processing rooms shall be provided and may be combined with the clean and soiled utility rooms if the program narrative is approved.

1) One-way flow shall be maintained between the soiled supplies, clean up, sterilizing, and storage functions.

2) Storage spaces for clean and sterile supplies and equipment shall

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

be provided.

3) Storage spaces for soiled supplies and equipment shall be provided.

4) There shall be no direct access between the soiled and clean sides of sterile supply and processing.

5) Work counters and hand-washing sinks operable without the use of hands shall be provided.

6) A clinical service sink shall be provided on the soiled side.

7) The soiled side shall have equipment for cleaning such as ultrasound, washers, and deep three-compartment sink and tray assembly.

8) A pass-through sterilizer shall be provided.

9) Space shall be provided in the soiled side for processing equipment and tray assembly such as sterilis machines, dryers, tube racks, wrapping and labelling counters.

k) A nourishment room for the use of patients, conveniently located to the clinical area, shall contain the following:

1) work counter;

2) refrigerator;

3) ice maker;

4) hand-washing sink operable without the use of hands; and

5) storage for supplies.

l) Facilities shall be provided for holding patients until they can be transferred to an appropriate hospital. The size and type of equipment shall be what is required for anticipated patient load and lengths of stay. Each observation bed shall provide for:

1) direct visual observation of each patient from the nurses station;

2) patient privacy;

3) access to patient toilets;

4) secure storage of patients' belongings;

5) medication dispensing;

6) bedpan storage and cleaning;

7) hand-washing facilities without the use of hands;

8) communications system with nurses station; and

9) monitoring capabilities.

m) A consultation/communications room shall be located within access of the diagnostic and treatment facilities and provide sound isolated for privacy and confidentiality of consultation for the use of the staff during the tele-medicine consultation. The room shall contain the following:

1) computer support and telecommunications support equipment necessary for the consultation task;

2) view screens;

3) work counters;

4) storage areas; and

5) additional refrigeration units as required by equipment.

n) Mobile Transportable Diagnostic Units

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

1) If used, the size of mobile transportable diagnostic units shall limit occupancy and therefore minimize life safety hazards. These units shall be restricted to the following:

- A) minimum construction of one-hour protected wood frame;
- B) built-in smoke detectors and sprinkler systems;
- C) a two-hour fire separation from the freestanding emergency center;
- D) a maximum clear area of 1,000 square feet; and
- E) a maximum occupancy of two patients and not more than six persons at any one time.

2) Site conditions shall be a consideration in placement of the units. The following elements shall be included in the siting of the unit:

- A) turning radius of vehicles, slopes of approach (6% min.), existing conditions;
- B) gauss fields of MRI Units, and radio frequency interference;
- C) properly sized power, including emergency power, water, waste, telephone, fire alarm connections;
- D) level concrete pads or piers designed for the structural loads of the facility;
- E) adequate access for cryogen storage units in the case of MRIs;
- F) covered walkway or enclosure to ensure patient safety from the outside elements;
- G) diesel exhaust from the tractor unit and/or generator must be kept away from the fresh air intake of the facility; and
- H) pad anchors and wheel blocks to stabilize unit and prevent movement.

3) A room for transition access between the portable unit and the center shall be provided and shall contain the following:

- A) two-hour separation between the exterior wall of the center and the mobile unit;
- B) hand-washing sink;
- C) protection from the elements;
- D) equipment storage;
- E) communications with control station; and
- F) patient toilet.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

Section 518. TABLE A Piping Locations for Oxygen, Vacuum and Medical Compressed Air

Location	Oxygen	Vacuum	Compressed Air
Patient Treatment Room	A	A	A
Examination and Treatment Rooms	D	D	D
Major Procedure Room	E	E	E

A = One outlet accessible to each bed. One outlet may serve 2 beds.

D = One outlet.

E = Two outlets.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

Section 518. TABLE B Insulation/Building Perimeter

- 1) Zones for insulation/building perimeter requirements shall consist of the counties listed here.

Zone 1 includes the following counties:

Boone	Ford	Kane	Lee	Ogle	Tazewell
Bureau	Grundy	Kankakee	Livingston	Peoria	Warren
Carroll	Henderson	Kendall	Marshall	Putnam	Whiteside
Cook	Henry	Knox	McHenry	Rock Island	Will
DeKalb	Iroquois	Lake	McLean	Stark	Winnebago
DuPage	JoDaviess	LaSalle	Mercer	Stephenson	Woodford

Zone 2 includes the following counties:

Adams	Clark	Effingham	Jersey	McDonough	Pike
Bond	Coles	Fayette	Logan	Menard	Sangamon
Brown	Crawford	Fulton	Macon	Montgomery	Schuyler
Calhoun	Cumberland	Greene	Macoupin	Morgan	Scott
Cass	Dewitt	Hancock	Madison	Moultrie	Shelby
Champaign	Douglas	Jasper	Mason	Piatt	Vermilion
Christian	Edgar				

Zone 3 includes the following counties:

Alexander	Gallatin	Johnson	Perry	St. Clair	Washington
Clay	Hamilton	Lawrence	Pope	Saline	Wayne
Clinton	Hardin	Marion	Pulaski	Union	White
Edwards	Jackson	Massac	Randolph	Wabash	Williamson
Franklin	Jefferson	Monroe	Richland		

- 2) The following minimum building perimeter insulation R values shall be provided:

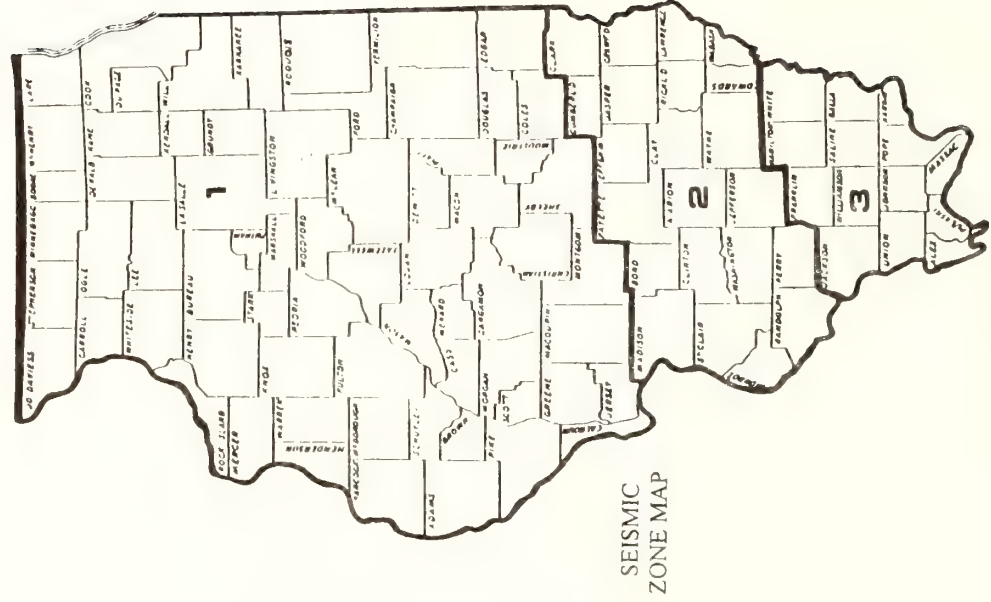
	Roof	Walls	Floors
Zone 1	R-38	R-17	R-19
Zone 2	R-30	R-17	R-19
Zone 3	R-30	R-12	R-11

- 3) All windows shall be glazed with double glazed insulating glass. All exterior windows and door frames shall be constructed of non-cold conducting materials such as wood or metal with a thermal break.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

Section 518. ILLUSTRATION A Seismic Zone Map



SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Regulations under the Illinois Loan Brokers Act of 1995.

- 2) Code Citation: 14 Ill. Adm. Code 145

- 3) Section Numbers: Proposed Action:

145.50	Amend
145.51	Amend
145.300	Repeal
145.303	New
145.800	New
145.803	Repeal
145.805	New

- 4) Statutory Authority: 815 ILCS 175

- 5) A Complete Description of the Subjects and Issues Involved:

Section 145.050 - Amended to clarify the scope of the Law.

Section 145.051 - Amended to delete term defined in the Act.

Section 145.300 - Repealed because disclosure statement requirements are now in the Act.

Section 145.303 - Added to provide as example of the disclosure document.

Section 145.800 - Added to define previous and ongoing contracts and transactions not governed by the Act.

Section 145.803 - Repealed because exemptions from waiting period and disclosure requirements are now in the Act.

Section 145.805 - Added to define the exemption for Certified Turnaround Professional

- 6) Will these proposed rules replace an emergency rule currently in effect?
No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Do these proposed rules contain incorporation by reference? No

- 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: To implement the provisions of the Illinois Loan Brokers Act of 1995, as amended.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Theresa Oxtoby
Illinois Securities Department
Lincoln Tower, Suite 200
520 South Second Street
Springfield, IL 62701
217/524-8040

All comments must be in writing.

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Some of the applicant's may be small businesses which offer loan brokering to the public.

B) Reporting, bookkeeping or other procedures required for compliance: Unless exempt would have to register; disclosure statement required by Statute; required to maintain files mandated by Statute; required to post surety bond.

C) Types of professional skills necessary for compliance: None

- 13) State reason for this rulemaking if it was not included in either of the two (2) most recent regulatory agendas: N/A

The full text of the Proposed Rules begins on the next page:

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

TITLE 14: COMMERCE

SUBTITLE A: REGULATION OF BUSINESS

CHAPTER I: SECRETARY OF STATE

PART 145

REGULATIONS UNDER THE ILLINOIS LOAN BROKERS ACT OF 1995

SUBPART A: DEFINITIONS

Section

145.50

Scope of the Law

Definitions of Terms as Used in the Act and the Rules

145.51

SUBPART B: REGISTRATION OF LOAN BROKERS

Section

145.150

Procedures for Registration as a Loan Broker Under Section 15-15 of the Act

Procedures for Withdrawal of Pending Application or Termination of Registration as a Loan Broker

145.151
145.152
Procedure with Respect to Abandoning Incomplete Applications for Registration as a Loan Broker145.200
Procedures for Renewal of Registration as a Loan Broker Under Section 15-20 of the Act145.300
When Disclosure Statement Must be Provided (Repealed)145.301
Purpose of Disclosure; Substantial Compliance145.302
Contents of Disclosure Document (Repealed)145.303
Providing the Contract with the Disclosure Statement145.304
Providing the Contract to Borrower

SUBPART C: PROCEDURES FOR ADMINISTRATIVE HEARINGS

Section

145.400

Hearings

SUBPART D: RECORDS

Section

145.750

Records Required of Loan Brokers

SUBPART E: EXEMPTIONS

Section

145.800

Previous and Ongoing Agreements or Contracts and Transactions Not Affected

145.802
Exemption for Franchises145.803
Exemptions from Waiting Period and Disclosure Requirements Pursuant to Section 15-30 of the Act

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

145.805
Exemption for the Designation of Certified Turnaround Professional (CTP)145.806
Exemption for Business Broker Agreements or Contracts from the Loan Brokers Act of 1995

SUBPART F: SERVICE OF PROCESS

Section

145.1000

Service of Process upon the Secretary of State

SUBPART G: EVIDENTIARY MATTERS AND NON-BINDING STATEMENTS

Section

145.1200

Request for Non-Binding Statements

SUBPART H: PUBLIC INFORMATION

Section

145.1400

Inspection of Loan Broker Records

145.1401
Non-Public Distribution of Information

SUBPART I: RULES OF GENERAL APPLICATION

Section

145.2100

Business Hours of the Securities Department

145.2101
Computation of Time145.2110
Payment of Fees145.2120
Place of Filing145.2130
Date of Filing145.2140
Requirements as to Proper Form145.2141
Additional Information145.2143
Information Unknown or Not Reasonably Available145.2144
Requirements as to Paper, Printing and Language145.2145
Number of Copies--Signatures145.2190
Provisions for Granting of Variance from Rules

AUTHORITY: Implementing and authorized by the Illinois Loan Brokers Act of 1995 [815 ILCS 175].

SOURCE: Emergency rule adopted at 20 Ill. Reg. 629, effective January 1, 1996, for a maximum of 150 days; adopted at 20 Ill. Reg. 8012, effective May 30, 1996; amended at 21 Ill. Reg. _____, effective _____.

SUBPART A: DEFINITIONS

Section 145.50 Scope of the Law

The Illinois Loan Brokers Act of 1995 [815 ILCS 175] shall apply only when the

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

person engaged or sought to be engaged by the loan broker is domiciled in this State or, when the company or business seeking to borrow, has its principal office in this State, or the loan broker is located in this State.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 145.51 Definitions of Terms as Used in the Act and the Rules

a) As used in this Part, unless the context otherwise requires, the term:

"Act" means the Illinois Loan Brokers Act of 1995 [815 ILCS 175] and this Part.

"Advertising" means any advertisement, or other similar materials or writings or any communication by radio, television, facsimile transmission, electronic transmission, pictures or the transmittal or sending of any communication via the non-profit, nonprofit, public computer network (commonly known as the "Internet") or similar means.

"Affiliate" of, or a person "affiliated" with, a specified person means a person who, directly or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the person specified.

"Applicant" means the person making application for registration.

~~"Borrower" means any person who has signed a loan broker agreement or contract which provides for such person to be represented by the loan broker and obligating that person to compensate the loan broker under some circumstance.~~

"Date of filing" means the date that all of the required documents are received by the Securities Department and all the required fees are paid to the Secretary of State. A document shall not be deemed to be filed if any information required by the Act or this Part is omitted or the document is illegible.

"Director" means any director of a corporation or any person performing similar functions with respect to any organization whether incorporated or unincorporated.

"Employee" does not include a director, trustee or officer.

"Federal Banking Act of 1933" means the Federal Banking Act of 1933 (12 U.S.C. 227) and the Rules and Regulations thereunder as in effect on January 1, 1996.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

"Hearing" means a proceeding conducted by the Securities Department in which the rights, privileges, immunities, duties or obligations of any person or party are required by law to be determined by the Secretary of State only after opportunity for a hearing.

"Interest" as delineated in Section 15-60 of the Act means the rate of interest set forth in 815 ILCS 205.

"Loan Broker" does not mean or include any person described in Section 15-5.15(b) of the Act or any person authorized to do business under the Residential Mortgage License Act of 1987 or exempt from licensure as provided for in the Residential Mortgage License Act of 1987 or any person authorized to do business in Illinois and regulated by the Commissioner of Savings, Real Estate Professionals and Mortgage Finance, also known as the Commissioner of Savings and Residential Finance.

"Material", when used to qualify a requirement for the furnishing of information as to any subject, limits the information required to those matters as to which there is a substantial likelihood that a reasonable person would consider important.

"Officer" means the president; any vice president in charge of a principal business unit, division or function; the secretary; the treasurer; any principal financial officer, comptroller or principal accounting officer; any other officer performing a principal policy-making function; and any other person performing similar functions with respect to any organization whether incorporated or unincorporated.

"Principal" means any officer, director, partner, member, trustee or manager who is responsible for the supervision and management of the daily business operations in this State of a loan broker required to be registered under the Act.

"Rules" refers to all rules adopted by the Secretary of State pursuant to the Act.

"Secretary of State" means the Securities Department of the Office of the Secretary of State or the Secretary of State or the Securities Director or his or her designee, as the case may be.

"Section" refers to a Section of this Part unless a reference to the Act is specifically made.

b) A Section of this Part which defines a term without express reference to the Act or to this Part or to a portion thereof or hereof defines such term for all purposes as used both in the Act and in this Part.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

Terms defined in the Act and not defined in this Part have the meaning given them in the Act.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 145.300 When Disclosure Statement Must Be Provided (Repealed)

- a) Except as provided in Section 145.003 of this Part, a loan broker shall provide a disclosure statement pursuant to Section 15-30 of the Act which shall be consistent in all material respects with this Section to any borrower at least seven days before the earlier of:
- 1) the time such borrower signs a contract for the services of the loan broker; or
 - 2) the time the loan broker receives any consideration for the contract;
- b) As used in this Part and in the Act, the term "borrower" does not include a person who is under no obligation to compensate the loan broker under any circumstances;
- c) The Secretary of State recommends that loan brokers have each borrower sign and date an acknowledgment of receipt when the disclosure statement is provided to the borrower.

(Source: Repealed at 21 Ill. Reg. _____, effective _____)

Section 145.302 Contents of Disclosure Document (Repealed)

- A written disclosure document that meets all of the requirements set forth in Section 15-30(b) of the Act, except that it omits the information required by Sections 15-30(b)(5) and (6) of the Act, will be deemed to meet the requirements set forth in Section 15-30(b) of the Act if:
- a) the disclosure document contains a statement to the effect that the loan broker's contract accompanying the disclosure document contains information about the services the loan broker will perform and the circumstances under which the loan broker will be entitled to keep or receive a fee; and
 - b) the loan broker provides the borrower with a copy of the contract containing the information required by Sections 15-30(b)(5) and (6) of the Act when the loan broker provides the disclosure document to the borrower.

(Source: Repealed at 21 Ill. Reg. _____, effective _____)

Section 145.303 Providing the Contract With the Disclosure Statement

- a) The purpose of the disclosure statement is to provide full information

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

about the material terms of the loan broker's contract with the borrower, therefore, the Secretary of State encourages loan brokers to include a copy of the contract with the disclosure statement. When the contract is provided to the borrower with the disclosure statement, the disclosure statement need not contain either:

- 1) the full and detailed description of the actual services that the loan broker undertakes to perform; or
- 2) a specific statement of the circumstances under which the loan broker will be entitled to obtain or retain consideration from the party with whom the loan broker has entered into a contract.

b) The following is an example of a cover page which, if prepared as follows and accurate in all material respects, will be deemed to comply with the Act (important: nothing except the following language in at least 10-point boldface capital letters shall appear on the cover page):

- 1) DISCLOSURES REQUIRED BY LAW;
- 2) THE SECRETARY OF STATE HAS NOT REVIEWED AND DOES NOT APPROVE, RECOMMEND, ENDORSE OR SPONSOR ANY LOAN BORROWER CONTRACT. THE INFORMATION CONTAINED IN THIS DISCLOSURE HAS NOT BEEN VERIFIED BY THE SECRETARY OF STATE; AND
- 3) IF YOU HAVE ANY QUESTIONS, SEE AN ATTORNEY BEFORE YOU SIGN A CONTRACT OR AGREEMENT.

c) The following is an example of page two (this is not a form):
The information regarding the Loan Broker's organization, principals, services and fees is being provided in this Disclosure Statement pursuant to the Illinois Loan Brokers Act of 1995 (815 ILCS 175/15-30(b)).

THE LOAN BORROWER CONTRACT (OR FEE AGREEMENT) IS PROVIDED WITH THIS DISCLOSURE STATEMENT AND IS AN INTEGRAL PART OF THIS DISCLOSURE STATEMENT.

READ BOTH THIS DISCLOSURE STATEMENT AND THE CONTRACT OR AGREEMENT CAREFULLY. YOU ARE ENCOURAGED TO HAVE THE CONTRACT OR AGREEMENT REVIEWED BY AN ATTORNEY.

Organization Name: _____ Type: _____
Business Name (if different): _____
Address: _____

Name(s) under which Loan Broker has done business: _____

Parents/Affiliates: _____

List of Loan Broker's officers, directors, trustees, general partners, general managers, principal executives and others performing similar duties: _____

President: _____

Address: _____

Vice President: _____

Address: _____

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

Principal:

Address:

How long has the Loan Broker conducted business:

The actual services that the Loan Broker undertakes to perform are set forth in the Loan Broker Contract (or Fee Agreement). Those are the only services that the Loan Broker is obligated to provide.

Borrower's Obligations

The circumstances under which you will be obligated to pay the Loan Broker (or the Loan Broker will be permitted to retain money you have paid) are set forth in the Loan Broker Contract (or Fee Agreement).

Read the contract or agreement carefully.

BORROWER ACKNOWLEDGEMENT:

I received this Disclosure Statement and a copy of the Loan Broker Contract (or Fee Agreement) on the date set forth below.

Date:

Borrower Signature:

Borrower Name (printed):

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 140.800 Previous and Ongoing Agreements or Contracts and Transactions Not Affected

All loan broker agreements or contracts and transactions between a loan broker and its borrowers which do not comply with the Act of this part, if entered into prior to January 1, 1996, shall be deemed to be valid and enforceable, notwithstanding this Part or the Act.

(Source: Added at 21 Ill. Reg. _____, effective _____)

Section 145.803 Exemptions from Waiting Period and Disclosure Requirements Pursuant to Section 15-30 of the Act (Repealed)

a) The requirements that a loan broker provide a written disclosure statement and wait at least seven days before the borrower executes a contract with the loan broker or before the loan broker receives any consideration for the contract shall not apply if:

i) the borrower to be represented by the loan broker is or has had:

A) A natural person who has or is reasonably believed by the loan broker relying upon this Section to have a net worth or joint net worth with that person's spouse in excess of \$100,000 at the time of the execution of the loan broker agreement or contract; or

B) A natural person who has or is reasonably believed by the loan broker relying upon this Section to have an income or joint income with that person's spouse in excess of \$200,000

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

in the most recent fiscal year, or

E) A company, business or other non-natural person that has or is reasonably believed by the loan broker relying upon this Section to have a total asset value in excess of \$100,000; or

B) A company, business or other non-natural person that has or is reasonably believed by the loan broker relying upon this Section to have gross revenues or gross sales in excess of \$500,000 in the most recent fiscal year; or

E) A company, business or other non-natural person in which at least 90% of the equity interest is owned, or is reasonably believed by the loan broker relying upon this Section to be owned by persons who meet any of the tests set forth in subsection (a)(1)(A), (B), (C) or (D) of this Section;

2) An attorney reviews the loan broker's contract for the borrower; a loan broker shall be entitled to rely upon a statement executed by the borrower that:

i) the borrower is in one of the categories enumerated in subsection (1)(1)(A) through (B) of this Section;

2) the borrower had an attorney review the business broker's contract with the borrower;

e) The contract provides that the borrower shall be entitled to cancel the contract and receive a refund of any consideration paid for seven days immediately following the execution of the contract; the disclosure statement must still be provided to the borrower unless the borrower meets one of the categories enumerated in subsection (a)(1)(A) through (B) or subsection (a)(2) of this Section;

(Source: Repealed at 21 Ill. Reg. _____, effective _____)

Section 145.805 Exemption for the Designation of Certified Turnaround Professional (CTP)

Any individual who has the designation of Certified Turnaround Professional (CTP) by the Association for Certified Turnaround Professional, while engaged in the practice of a Certified Turnaround Professional and whose service in relation to the loan broker transaction is incidental to his or her practice, is exempt from the requirements of this Act.

(Source: Added at 21 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Procedures of the Department of Human Rights

2) Code Citation: 56 Ill. Adm. Code 2520

3) Section Number: Action:
2520.30 Amendment
2520.40 Amendment

4) Statutory Authority: Implementing Articles 1 through 7B of the Illinois Human Rights Act [775 ILCS 5/Arts 1-7B] and the Intergovernmental Cooperation Act [5 ILCS 220] and authorized by Sections 7-101(A) and 7-105(A) of the Illinois Human Rights Act [775 ILCS 5/7-101(A) and 7-105(A)].

5) Effective Date of Adopted Rule(s): October 10, 1997

6) Does the rulemaking contain an automatic repeal date? No

7) Does this rule contain incorporations by reference? No

8) Date filed in Agency's Principal Office: October 8, 1997

9) Notice(s) of Proposal Published in Illinois Register: July 7, 1997, 2. Ill. Reg. 8129

10) Has JCAR issued a Statement of Objection to these rules? No

11) Difference(s) between proposal and final version: No changes have been made.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rule replace an emergency rule currently in effect? Yes

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of the Rule(s): These Rules revise the Department's procedures for filing requests for review.

16) Information and questions regarding these adopted amendment shall be directed to:

David T. Rothal
Staff Attorney
Illinois Department of Human Rights
100 West Randolph Street
Suite 10-100

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF ADOPTED AMENDMENTS

Chicago, IL 60601
312-814-6242
T.D.D.: 312-263-1579

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF ADOPTED AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT

CHAPTER II: DEPARTMENT OF HUMAN RIGHTS

PART 2520

PROCEDURES OF THE DEPARTMENT OF HUMAN RIGHTS

SUBPART A: INTERPRETATIONS

Section	
2520.10	Definition of Terms
2520.20	Computation of Time
2520.30	Service of Documents
2520.40	Filing with the Department
2520.50	Separability
2520.110	Preservation of Records by Employers, Labor Organizations, Employment Agencies and Respondents

SUBPART B: CHARGE

Section	
2520.310	Time of Filing (Repealed)
2520.320	Form (Repealed)
2520.330	Contents
2520.340	Requirements for Charge (Repealed)
2520.350	Unperfected Charge
2520.360	Amendment
2520.370	Substitution and Addition of Parties (Repealed)
2520.380	Withdrawal of Charge

SUBPART C: PROCEDURE UPON CHARGE

Section	
2520.410	Docketing and Service of Charge (Repealed)
2520.420	Maintenance of Records (Repealed)
2520.430	Investigation
2520.440	Fact-Finding Conference
2520.450	Administrative Closure (Repealed)
2520.460	Determination After Investigation (Repealed)
2520.470	Conciliation (Repealed)
2520.480	Complaint (Repealed)

SUBPART D: SETTLEMENTS

Section	
2520.510	Settlement
2520.520	Non-Disclosure (Repealed)
2520.530	Dismissal for Refusal to Accept Settlement Offer (Repealed)
2520.540	Non-Compliance with Settlement Terms (Repealed)

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF ADOPTED AMENDMENTS

SUBPART E: ADMINISTRATIVE CLOSURE, DISMISSAL AND DEFAULT

Section	
2520.550	Administrative Closure
2520.560	Dismissal
2520.570	Default

SUBPART F: REQUESTS FOR REVIEW

Section	
2520.573	Filing with Chief Legal Counsel
2520.575	Contents for Request for Review
2520.577	Notice by the Chief Legal Counsel
2520.580	Extension of time
2520.583	Reply to Request for Review
2520.585	Additional Investigation
2520.587	Decision

SUBPART G: RELATIONS WITH LOCAL HUMAN RIGHTS AGENCIES

Section	
2520.610	Scope and Purpose (Repealed)
2520.620	Definitions (Repealed)
2520.630	Cooperative Agreements
2520.640	Nature of Cooperative Agreements
2520.650	Training and Technical Assistance
2520.660	Promotion of Communication and Goodwill

SUBPART H: EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION
BY STATE EXECUTIVE AGENCIES

Section	
2520.700	Definitions
2520.710	Scope and Purpose
2520.720	Affirmative Action Groups
2520.730	Consideration of Additional Groups
2520.740	Definitions (Renumbered)
2520.750	Nondiscrimination (Repealed)
2520.760	Plans
2520.770	Reporting and Record-Keeping
2520.780	Equal Employment Opportunity Officers
2520.790	Complaint Process
2520.795	Compliance Reviews
2520.797	Sanctions for Noncompliance

APPENDIX A	Contents of Affirmative Action Plans
APPENDIX B	Value Weight Assignment Chart

AUTHORITY: Implementing Articles 1 through 7B of the Illinois Human Rights Act

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF ADOPTED AMENDMENTS

[775 ILCS 5/Arts. 1 through 7B] and the Intergovernmental Cooperation Act [5 ILCS 220], and authorized by Sections 7-101(A) and 7-105(A) of the Illinois Human Rights Act [775 ILCS 5/7-101(A) and 7-105(A)].

SOURCE: Adopted November 20, 1972 by the Fair Employment Practices Commission; transferred to the Department of Human Rights by P.A. 81-1216, effective July 1, 1980; emergency amendments at 4 Ill. Reg. 39, p. 335, effective September 17, 1980, for a maximum of 150 days; amended at 5 Ill. Reg. 1627, effective February 9, 1981; amended at 6 Ill. Reg. 2125, effective February 8, 1982; amended at 6 Ill. Reg. 3076, effective March 15, 1982; amended at 6 Ill. Reg. 8090, effective July 1, 1982; codified at 8 Ill. Reg. 17884; amended at 17 Ill. Reg. 15556, effective September 13, 1993; amended at 18 Ill. Reg. 16829, effective November 4, 1994; emergency amendment at 20 Ill. Reg. 445, effective January 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 5084, effective March 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 6291, effective April 18, 1996; amended at 20 Ill. Reg. 10631, effective July 24, 1996; amended at 21 Ill. Reg. 14081, effective

SUBPART A: INTERPRETATIONS

Section 2520.30 Service of Documents

- a) Manner of Service. Unless otherwise provided, all documents require to be served under the Act or this Part shall be served personally, b telefax, or by U.S. first-class mail or by private delivery service. However, requests for review, replies to requests for review, and requests for extension of time to file requests for review may be served upon the Chief Legal Counsel only by personal service, by U.S. mail or by private delivery service.
- b) Proof of Service. Where service on the Department is required, proof of service shall be filed with the Department consisting of the verified statement of the individual making service, specifying the title of the document, manner and date of such service.
- c) Effective Date of Service by Mail. Service by mail shall be deemed complete five days after mailing of the document, properly addressed and posted for delivery to the person to be served.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 2520.40 Filing with the Department

Documents ~~All~~ documents required to be filed with the Department shall be deemed filed when received, if hand-delivered or telefaxed, except that requests for review filed pursuant to Section 2520.573 of this Part, replies to requests for review filed pursuant to Section 2520.583 of this Part, and requests for extensions of time to file requests for review filed pursuant to

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF ADOPTED AMENDMENTS

Section 2520.580 of this Part may not be telefaxed. An item delivered by the U.S. Postal Service shall be deemed to have been filed when postmarked, properly addressed and posted for delivery. An item delivered by a private delivery service shall be deemed to have been filed on the date sent as indicated on the label, or in the absence of such a date on the label, shall be deemed filed on the date received. ~~An item received by mail shall be deemed to have been filed when postmarked, properly addressed and posted for delivery.~~

(Source: Amended at 21 Ill. Reg. 14081, effective _____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading Of the Part: Subacute Alcoholism and Substance Abuse Treatment Services
- 2) Code Citation: 77 Ill. Adm. Code 2090
- 3) Section Numbers: Proposed Action:
2090.20 Amend
2090.35 Amend
2090.40 Amend

- 4) Statutory Authority: Implementing and authorized by Section 5-10 of the Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301/5-10]

- 5) Effective Date of Rules: October 9, 1997

- 6) If these Emergency Amendments are to expire before the end of the 150-day period, please specify the date on which is will expire: Not to expire before 150-day period

- 7) Date Filed in the Agency's Principal Office: October 9, 1997

- 8) Reason of Emergency: The current rule prohibits any patient who is receiving Methadone in any level of care from receiving Medicaid reimbursement for adjunctive individual or group counseling. The majority of patients in Methadone treatment participate in such treatment on an outpatient basis. Because of the current prohibition of reimbursement there is a threat to public safety and welfare in that the current rule does not allow such patients to receive clinically justified services.

- 9) Complete description of the Subjects and Issues Involved: This change will allow patients on Methadone, who are eligible for Medicaid, to participate in outpatient treatment and to have such treatment reimbursable through Medicaid up to the established reimbursable limit. It should also be noted that this change will only allow reimbursement for individual or group counseling and would not provide coverage for the actual cost or dispensing of the Methadone. Several changes are also made in order to make Part 2090 consistent with the provisions contained in Part 2060, the new substance abuse treatment and intervention licensing rule which was adopted October 3, 1996. These provisions relate to the manner in which Level II care can be delivered on a daily basis and the group size reimbursement limitations.

- 10) Are there any proposed amendments to this Part? No

- 11) Statement of Policy Objective: To allow Medicaid reimbursement for patients on Methadone, who are eligible for Medicaid, to participate in outpatient treatment.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- 12) Information and questions regarding this emergency Rule shall be directed to:

Susan Warner, Bureau Chief
Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
Springfield, IL 62762
(217)785-9772
TTY: (217)557-1547

The full text of the Emergency Amendments begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

TITLE 77: PUBLIC HEALTH
 CHAPTER X: DEPARTMENT OF HUMAN SERVICES
 ALCOHOLISM-AND-SUBSTANCE-ABUSE
 SUBCHAPTER 9: MEDICAID PROGRAM STANDARDS

PART 2090

SUBACUTE ALCOHOLISM AND SUBSTANCE ABUSE TREATMENT SERVICES

Section	Purpose
2090.10	Definitions
2090.20	Definitions
EMERGENCY	
2090.30	Medicaid Certification/Enrollment/Recertification
2090.35	General Requirements
EMERGENCY	
2090.40	Reimbursable Services
EMERGENCY	
2090.50	Quality Improvement
2090.60	Client Records
2090.70	Rate Setting
2090.80	Rate Appeals
2090.90	Inspections
2090.100	Sanctions for Non-Compliance/Audits
2090.105	Inspections (Renumbered)
2090.110	Sanctions for Non-Compliance/Audits (Renumbered)

AUTHORITY: Implementing and authorized by Section 5-10 of the Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301/5-10].

SOURCE: Adopted at 11 Ill. Reg. 2236, effective January 14, 1987; emergency amendments at 12 Ill. Reg. 11273, effective June 30, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 20061, effective November 26, 1988; emergency amendments at 15 Ill. Reg. 10222, effective June 25, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 16662, effective November 1, 1991; amended at 16 Ill. Reg. 11807, effective July 14, 1992; amended at 18 Ill. Reg. 14223, effective September 2, 1994; amended at 19 Ill. Reg. 9411, effective July 1, 1995; amended at 19 Ill. Reg. 10454, effective July 1, 1995; emergency amendment at 20 Ill. Reg. 12489, effective August 30, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 1600, effective January 27, 1997; recodified from the Department of Alcoholism and Substance Abuse to the Department of Human Services at 21 Ill. Reg. 9319; emergency amendment at 21 Ill. Reg. 14087, effective October 9, 1997, for a maximum of 150 days.

Section 2090.20 Definitions

EMERGENCY

The following definitions shall apply to this Part:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

"Adolescent": A person who is at least twelve years of age and under eighteen years of age.

"Benefit Year": The State fiscal year.

"Client": Any person who is eligible to receive services under one of the following categories: Aged, Blind, and Disabled (AABD); Temporary Assistance for Needy Families (TANF) Aid-to-Families-with-Dependent Children--(APDC); Medical Assistance, No Grant (WANG); Refugee Repatriate Program (RRP); Title XIX eligible Department of Children and Family Services (DCFS) wards; and persons under the age of eighteen who would qualify for TANF APDC but do not qualify as dependent children pursuant to 89 Ill. Adm. Code 140.7.

"Department": The Illinois Department of Human Services Alcoholism and Substance Abuse.

"Drug-free--treatment": ---Treatment-service-which-does-not-include-the-use-of-methadone--buprenorphine--or-other-drugs-used-for-substance-abuse-treatment.

"Follow-up": A scheduled provider contact with a former client that occurs after the client has been discharged, has been previously specified in the client's treatment and continuing care plan, and occurs for a period of time and at specified intervals. Follow-up is for the purpose of offering the discharged client continuing assistance as necessary to maintain and improve upon the clinical goals achieved during treatment.

"Physician": A person who is licensed to practice medicine in all its branches under the Medical Practice Act of 1987 [225 ILCS 60].

"Professional Staff": Any person who provides clinical services as defined in 77 Ill. Adm. Code 2060 and who meets the requirements for professional staff as specified in 77 Ill. Adm. Code 2060.309. Professional staff may also be a person determined to be appropriate to deliver the clinical services provided, in accordance with 77 Ill. Adm. Code 250, Subpart W.

"Provider": Any public or private agency, organization, or institution, or unit of State or local government or other legal entity licensed to deliver alcoholism or other drug abuse services according to the requirements specified in 77 Ill. Adm. Code 2060 and enrolled to provide treatment services under the Illinois Medical Assistance Program.

"Psychiatrist": A person licensed to practice medicine in all its branches under the Medical Practice Act of 1987 [225 ILCS 60] and who

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

meets the requirements of Section 1-121 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/1-121].

"Subacute": The level of care necessary to effectively treat an alcohol and/or other drug abuser's dependency on a chemical without the more intensive measures designed to treat primary medical conditions in an acute care setting (e.g., inpatient hospitalization). Subacute care may be delivered in a facility licensed under the rules for Alcoholism and Substance Abuse Treatment and Intervention Licenses (77 Ill. Adm. Code 2060) or in a hospital, either of which is certified according to Section 2090.30 for purposes of Medicaid reimbursed alcoholism and/or other drug abuse services.

"Treatment Plan": An individually written plan for a client which identifies the treatment goals and objectives based upon a clinical assessment of the client's individual problems, needs, strengths and weaknesses.

"Under the direction of a physician": Treatment services provided under the direct supervision of a physician who is on staff and continuously directs the provision of care.

(Source: Emergency amendment at 21 Ill. Reg. 14099, effective October 9, 1997, for a maximum of 150 days)

Section 2090.35 General Requirements**EMERGENCY**

a) To be reimbursable, treatment services shall be provided in compliance with all provisions specified in 77 Ill. Adm. Code 2060. Specifically, physician and professional staff involvement in treatment services shall be in compliance with 77 Ill. Adm. Code 2060.417, 2060.419, 2060.421, 2060.423 and 2060.425.

b) The provider shall submit Medicaid claims on a timely basis. Claims shall be submitted as soon after the service date as is reasonable unless there is good cause for later submission. In any event, if a clean claim for a service provided within a State fiscal year is not submitted to the State on a timely enough basis to be paid within the State Fiscal Year lapse period, the provider must pursue reimbursement through the Court of Claims. Claims submitted later than 12 months from the date of service shall not be reimbursed by the State. The provider shall only bill for services which are reimbursable.

c) Information Collection

1) The provider shall report, on a monthly basis, demographic and service system data using the Department's Automated Reporting and Tracking System (DARTS). The data collected shall be for the purpose of assessing individual client performance and for planning for future service development. Information to be

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

reported by the provider, for each individual served by a program certified under Section 2090.90 of this Part, shall include but is not limited to the following:

A) Name, date of birth, gender, race and national origin, family size, income level, marital status, residential address, employment, education and referral source.

B) Special population designation, such as Medicaid eligible clients, women with dependent children, intravenous drug users (IVDUs), DCFS clients, DHS BMHDB clients, and criminal justice clients.

C) Drug/alcohol problem areas treated, characterized by drugs of use, frequency of use, and medical diagnosis.

D) Closing date information, such as the reason for discharging the client from the program.

2) The Department shall supply providers with DARTS software.

3) Disclosure of information contained within DARTS is governed by the specific provisions of federal regulations under Confidentiality of Alcohol and Drug Abuse Patient Records (42 CFR 2 (1987)).

d) The reimbursement limits herein shall not be applied in situations where to do so would deny an eligible individual under age 21 from receiving "early and periodic screening, diagnostic and treatment services" (EPSDT) as defined in 42 USC 1396d(r). Services as set forth in this Part shall be reimbursable to an eligible individual under age 21 for as long as the services are clinically necessary pursuant to review which is consistent with subsection (a) of this Section.

e) The reimbursement limits herein shall not be applied where to do so would deny services to a pregnant woman that have been determined to be clinically necessary pursuant to review which is consistent with subsection (a). This exemption from the limits exists during the pregnancy and through the end of the month in which the 60-day period following termination of the pregnancy ends (post partum period), or until the services are no longer clinically necessary, whichever comes first. This exemption shall not apply to a woman who enters treatment services after delivery.

(Source: Emergency amendment at 21 Ill. Reg. 14099, effective October 9, 1997, for a maximum of 150 days)

Section 2090.40 Reimbursable Services**EMERGENCY**

a) Level I: (formerly Outpatient Services)

1) Definition

The provision of treatment services as defined in 77 Ill. Adm. Code 2060.401(b).

2) Reimbursement

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

Level I **drug-free** treatment services delivered to clients are Medicaid-reimbursable via the prospective rates in effect as of the date of service (89 Ill. Adm. Code 148.370). Medicaid claims are submitted to the Department and shall meet the requirements of IDPA rules for alcoholism and substance abuse treatment programs (89 Ill. Adm. Code 148.340 through 148.370). The billable outpatient unit of service is a client hour defined as face-to-face counseling with a diagnosed client in an individual, group, or family setting. Reimbursement shall occur by a fee-for-service mechanism, using one client hour as the base unit of service, billable to the nearest quarter-hour. No more than 25 hours may be reimbursed for an eligible adult client per benefit year.

b) Level II: (formerly Intensive Outpatient Services)

1) Definition

The provision of treatment services as defined in 77 Ill. Adm. Code 2060.401(c).

2) Reimbursement

Level II drug-free treatment services delivered to clients are Medicaid reimbursable via the prospective rates in effect as of the date of service (89 Ill. Adm. Code 148.370). Drug-free treatment as referenced herein is that which does not include the use of Methadone or levo-alphaethylmethadol (LAAM). Medicaid claims are submitted to the Department, and shall meet the requirements of IDPA rules or alcoholism and substance abuse programs (89 Ill. Adm. Code 148.340 through 148.370). Reimbursement shall occur by a fee-for-service mechanism, using one client hour as the session-of-a-minimum-of-three-hours-as-the base unit of service billable to the nearest hour. Services for clients enrolled in Level II (intensive outpatient) treatment shall not be reimbursed under the provisions for Level I (outpatient) services. No more than 75 hours shall be reimbursed for an eligible adult client per benefit year.

c) Level III: (formerly Inpatient/Residential Services)

1) Definition-Adolescent Residential Rehabilitation

The provision of treatment services as defined in 77 Ill. Adm. Code 2060.401(d). Such treatment shall be drug-free for adolescents on a scheduled-only residential basis in a Medicaid enrolled hospital subacute setting, or to adolescents in a psychiatric facility or an inpatient program in a psychiatric facility, either of which is accredited by the Joint Commission on Accreditation of Health Care Organizations (JCAHO), One Renaissance Boulevard, Oakbrook Terrace, Illinois 60181. Drug-free treatment as referenced herein is that which does not include the use of Methadone or levo-alphaethylmethadol (LAAM). This service is designed to reduce or eliminate an adolescent's intake of alcohol and/or other drugs. Adolescent residential rehabilitation must be delivered in

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

accordance with an adolescent's individualized treatment plan recommended by a physician if in a hospital setting, and under the direction of a physician in a psychiatric facility.

2)

Reimbursement
Adolescent residential rehabilitation treatment services delivered to clients are Medicaid reimbursable via the prospective rates in effect as of the date of service (89 Ill. Adm. Code 148.370). Medicaid claims are submitted to the Department and shall meet the requirements of IDPA rules for alcoholism and substance abuse treatment programs (89 Ill. Adm. Code 148.340 through 148.370). Reimbursement shall occur on a per diem basis. Services in an adolescent residential rehabilitation program with over 16 beds shall not be reimbursed under the provisions for Level I (outpatient) or Level II (intensive outpatient) services.

3)

Definition-Day Treatment
The provision of treatment services as defined in 77 Ill. Adm. Code 2060.401(d). Drug-free treatment services on a scheduled-only residential basis by a program licensed pursuant to 77 Ill. Adm. Code 2060 and certified as having 16 beds or fewer as specified in Section 2090.30 of this Part and excluding room and board, meals, night supervision of dormitory areas and other domiciliary support services. Drug-free treatment as referenced herein is that which does not include the use of Methadone or levo-alphaethylmethadol (LAAM). Treatment services may be provided to adults and adolescents.

Day treatment services shall be reimbursed at an all-inclusive per diem rate as set forth in Section 2090.70(c)(4), available upon certification of the facility. No more than 30 days shall be reimbursed for an eligible adult client.

d) Ancillary Psychiatric Diagnostic Services

1) Ancillary psychiatric diagnostic services are limited psychiatric evaluations to determine whether the client's primary condition is attributable to the effects of alcohol or drugs or to a diagnosed psychiatric or psychological disorder. Such an evaluation shall determine the client's primary condition and recommend appropriate treatment services.

2) Reimbursable psychiatric evaluations are limited to a psychiatric evaluation/examination of a client and the exchange of information with the primary physician and other informants such as nurses, counseling staff, or family members and the preparation of a report including psychiatric history, mental status, and diagnosis. This service shall be performed by a psychiatrist.

3) Reimbursable psychiatric evaluations may be delivered to clients admitted to Levels I, II and III care (adolescent residential rehabilitation or day treatment) where the need for such services is documented in the client's individualized treatment plan.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

Documentation of all such services shall be maintained in the client record.

- 4) Ancillary diagnostic services delivered to clients are Medicaid-reimbursable on a per-encounter basis at the practitioner's usual and customary charge, not to exceed the prevailing rate as established by IDPA pursuant to 89 Ill. Adm. Code 140.400.

(Source: Emergency amendment at 21 Ill. Reg. 140.400, effective October 9, 1997, for a maximum of 150 days)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF MODIFICATION TO EMERGENCY AMENDMENTS IN RESPONSE TO AN OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

- 1) Heading of the Part: Employee Conflict of Interest

- 2) Code Citation: 89 Ill. Adm. Code 437

- 3) Section Numbers:

437.1
437.2
437.3
437.4
437.5
437.6
437.7
437.8
437.9
437.40

- 4) Notice of Emergency Amendments Published in the Illinois Register: 21 Ill. Reg. 11593, August 15, 1997

- 5) JCAR Statement of Objection to Emergency Amendments Published in the Illinois Register: 21 Ill. Reg. 13386, October 3, 1997

- 6) Date agency submitted this modification to JCAR for approval: October 6, 1997

- 7) Summary of Action Taken by the Agency: The Department adopted Sections 437.1 through 437.9 which were in effect as of August 8, 1997 with an amendment to Section 437.1 limiting the application of those Sections to employees covered by collective bargaining agreements. These Sections were designated "Subpart A" and impose the same requirements upon bargaining unit staff as applied prior to the amendment of the Part. The recently adopted amendments to the Part were designated "Subpart B" and made applicable to merit compensation employees and contractors. Sections 437.5(e) and 437.40(i) were amended to conform to the \$50 limitation of Executive Order #2 (9/1/97), and Section 437.40(o) was amended to exempt foster parent support specialists from a requirement that supervision of their licenses be transferred to private child welfare agencies.

The full text of the Sections of the emergency amendments being modified begins on the next page:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF MODIFICATION TO EMERGENCY AMENDMENTS IN RESPONSE TO AN
OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBCHAPTER f: GENERAL ADMINISTRATION

PART 437

EMPLOYEE CONFLICT OF INTEREST

SUBPART A: COLLECTIVE BARGAINING UNIT EMPLOYEES

Section

437.1 PurposeEMERGENCY437.2 DefinitionsEMERGENCY437.3 Department Statutory ResponsibilitiesEMERGENCY437.4 Prohibition of Employee Interests Which May Influence the Department's
Statutory DutiesEMERGENCY437.5 Prohibition of Employee Interests Which May Influence the Department's
Grant or Purchase of Service ProgramsEMERGENCY437.6 Prohibitions Under the Illinois Purchasing ActEMERGENCY437.7 Requirements of the Governmental Ethics ActEMERGENCY437.8 Prohibition of Employee Conflicts in the Care of ChildrenEMERGENCY437.9 Violations of Part 437EMERGENCYSUBPART B: MERIT COMPENSATION EMPLOYEES AND CONTRACTORS437.10 PurposeEMERGENCY437.20 DefinitionsEMERGENCY437.30 Department Statutory ResponsibilitiesEMERGENCY437.40 Prohibition of Employee Interests and Conduct Creating Impropriety or
the Appearance of ImproprietyEMERGENCY437.50 Prohibitions Under the Illinois Purchasing ActEMERGENCY437.60 Requirements of the Illinois Governmental Ethics ActEMERGENCY437.70 Prohibition of Employee Conflicts in the Care of Children

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF MODIFICATION TO EMERGENCY AMENDMENTS IN RESPONSE TO AN
OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULESEMERGENCY437.80 Requirements of Executive Order #3 (1977)EMERGENCY437.90 Violations of Part 437EMERGENCY

AUTHORITY: Implementing and authorized by Sections 5 and 11.1 through 12 of the Illinois Purchasing Act [30 ILCS 505/5 and 11.1 through 12]; Article 4A of the Illinois Governmental Ethics Act [5 ILCS 420/4A]; Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16]; and Section 4 of the Children and Family Services Act [20 ILCS 505/4].

SOURCE: Adopted and codified at 5 Ill. Reg. 13139, effective November 30, 1981; amended at 7 Ill. Reg. 8520, effective July 22, 1983; amended at 9 Ill. Reg. 2661, effective March 1, 1985; amended at 13 Ill. Reg. 3339, effective March 1, 1989; amended at 19 Ill. Reg. 6311, effective May 1, 1995; emergency amendment at 21 Ill. Reg. 11593, effective August 8, 1997, for a maximum of 150 days; modified in response to JCAR objection at 21 Ill. Reg. ~~14096~~.

SUBPART A: COLLECTIVE BARGAINING UNIT EMPLOYEESSection 437.1 PurposeEMERGENCY

Although the Illinois Purchasing Act forbids State employees from acting as paid consultants to other State agencies or to private agencies receiving State funds, and from holding any contract for services, it does not prohibit other apparent conflicts of interest such as an employee sitting on the board of an agency not receiving State funds, but subject to Department licensing. The purpose of this Part is to eliminate all employee impropriety and the appearance of any impropriety. Subpart A applies only to those Department employees covered by collective bargaining agreements. Subpart B applies to merit compensation employees and those individuals who receive remuneration directly from the Department pursuant to a contract for personal services.

(Source: Adopted in response to JCAR objection at 21 Ill. Reg. ~~14096~~.)

Section 437.2 DefinitionsEMERGENCY

"Consultant", as used in these rules, means an affiliation or a direct relationship to a facility or agency with which the Department contracts or which is licensed by the Department. The term does not include Department licensing staff who assist child care facilities in meeting requirements for licensure.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF MODIFICATION TO EMERGENCY AMENDMENTS IN RESPONSE TO AN
OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

"Economic interest", as used in this Part, means any form of ownership, debt interest or contract whereby the individual may incur monetary gain or loss. The term does not include a contract for teaching services at a public or private college, junior college or university.

"Employee" or "State employee" means an individual who on a full-time or part-time basis receives remuneration from the Department for services performed.

(Source: Adopted in response to JCAR objection at 21 Ill. Reg. 14099, 97)

Section 437.3 Department Statutory ResponsibilitiesEMERGENCY

The Department of Children and Family Services has statutory responsibilities regarding minors adjudicated under the Juvenile Court Act [705 ILCS 405/701]; minors placed with the Department through voluntary placement agreements with parents, guardians or custodians; minors placed with the Department through adoptive surrenders; the licensing of child care facilities under the Child Care Act of 1969 [225 ILCS 10]; and the operation of institutions and programs. These statutory duties include securing appropriate care for minors through foster care or purchase of service agreements with public or private agencies.

(Source: Adopted in response to JCAR objection at 21 Ill. Reg. 14099, 97)

Section 437.4 Prohibition of Employee Interests Which May Influence the Department's Statutory DutiesEMERGENCY

a) No employee of the Department may knowingly have any connection whatsoever with any regulated or provider facility or agency which may be considered a conflict of interest or could influence the Department in the execution of its statutory duties. Therefore:

- 1) No employee of the Department shall serve in any capacity with, or be employed on a full-time or part-time basis by, any facility or agency with which the Department has a contract or which the Department licenses. Foster family and day care home licenses are exempted from this restriction.
- 2) No employee shall act as a consultant, paid or unpaid, to any facility or agency if such consultation enables the facility or agency to meet Department licensing requirements or to secure Department approval for program or staffing.

b) If a Department employee has a connection with a regulated or provider facility or agency which may be considered a conflict of interest in

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF MODIFICATION TO EMERGENCY AMENDMENTS IN RESPONSE TO AN
OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

accordance with subsection (a) above, or could influence the Department in its execution of its statutory duties, the administrator of the unit shall refer the situation to the Department office of internal audits for a review and opinion.

(Source: Adopted in response to JCAR objection at 21 Ill. Reg. 14099, 97)

Section 437.5 Prohibition of Employee Interests Which May Influence the Department's Grant or Purchase of Service Programs
EMERGENCY

Inasmuch as the Department has an extensive grant and purchase of service program:

- a) Any Department employee who serves on the Board of Directors or Professional Advisory Committee, in either a paid or unpaid capacity, of any agency or facility which receives funds from the Department by any means or mechanism, including grants, purchase of service or contracts, shall notify the Director of the Department or designee. Such notification will result in the employee's not being involved in placing with, monitoring, licensing or evaluating the agency or facility.
- b) No employee shall knowingly have an economic interest of any character, nature or amount in any agency or facility which receives Department funds, whether by grant, purchase of service contract or any other mechanism, in violation of the Illinois Purchasing Act. Any employees presently holding such economic interest in such agencies or facilities shall divest themselves of their interest within a reasonable time, not to exceed six months after being notified that the conflict exists.
- c) No employee or the employee's spouse or minor child may knowingly own stock, bonds, debentures, shares or any other species of ownership or debt interest in any facility or agency which receives Department funds, whether by grant, purchase of service contracts or other funding mechanism, in violation of the Illinois Purchasing Act. When any employee's spouse or minor child occupies a position with a facility or agency which serves children placed by the Department and the employee is involved in placing with, monitoring, licensing or evaluating the agency or facility, the employee shall notify the Director of the Department or designee. Such notification shall result in the employee's not being involved in placing with, monitoring, licensing or evaluating the agency or facility.
- e) An employee may accept a nominal token of appreciation or courtesy (such as meals, floral arrangements, plaque, certificate, cup or similar item) for participating in a governmental, civic, professional, athletic or similar event. The value of the token(s) accepted from a single source shall not exceed \$50 per calendar year.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF MODIFICATION TO EMERGENCY AMENDMENTS IN RESPONSE TO AN
OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

Excluded from this restriction is any certificate or award publicly presented in recognition of public service.

(Source: Adopted in response to JCAR objection at 21 Ill. Reg. 14005)

Section 437.6 Prohibitions Under the Illinois Purchasing Act
EMERGENCY

The Illinois Purchasing Act provides that no State employee may have any contract for services, materials or supplies with any entity which may be satisfied in whole or in part by the expenditure of State funds. Specifically excluded from the language of the Purchasing Act are employees acting as foster parents of children for whom the Department is legally responsible. The Governor may grant exemptions for employees whose service to the State is deemed sufficiently important to outweigh the public policy expressed in the law. Any Department employee hoping to work for any agency or facility which receives State funds must apply for and receive an exemption from the Purchasing Act prior to accepting such employment. The Purchasing Act does not apply to contracts between an employee and any State-aided school district, Junior College District, or State university.

(Source: Adopted in response to JCAR objection at 21 Ill. Reg. 14005)

Section 437.7 Requirements of the Governmental Ethics Act
EMERGENCY

- a) Department employees are required by the Illinois Governmental Ethics Act [5 ILCS 420] to file a yearly statement disclosing their economic interests when employees:
 - 1) are, or function as, the head of a department, commission, board, division, bureau, authority or other administrative unit within the government of this State, or who exercise similar authority within the government of this State;
 - 2) have direct supervisory authority over, or direct responsibility for, the formulation, negotiation, issuance or execution of contracts entered into by the State in the amount of \$5,000 or more;
 - 3) have authority for the issuance or promulgation of rules and regulations within areas under the authority of the State;
 - 4) have authority for the approval of professional licenses;
 - 5) have responsibility with respect to the financial inspection of regulated nongovernmental entities;
 - 6) adjudicate, arbitrate, or decide any judicial or administrative proceeding, or review the adjudication, arbitration or decision of any judicial or administrative proceeding, within the

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF MODIFICATION TO EMERGENCY AMENDMENTS IN RESPONSE TO AN
OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

- 7) have supervisory responsibility for 20 or more employees of the State (Section 4A-101 of the Act).

b) Employees affected by the Act will be notified by mail from the Secretary of State's Index Department regarding the requirement to file a Statement of Economic Interest. Any employee who is required to file a Statement of Economic Interest, but fails to file the Statement by May 1 of each year, will be subject to a \$15 late filing fee. Any employee who fails to file the Statement by May 15 shall be subject to a penalty of \$100 per day from May 16 to the date that the Statement is filed with the Secretary of State. This penalty is in addition to the \$15 late filing fee associated with the May 1 deadline. Failure to file by May 31 of each year shall result in the forfeiture of employment.

c) Any employee who willfully files a false or incomplete Statement of Economic Interest shall be guilty of a Class A misdemeanor.

(Source: Adopted in response to JCAR objection at 21 Ill. Reg. 14005)

Section 437.8 Prohibition of Employee Conflicts in the Care of Children
EMERGENCY

No employee of the Department may take a child or in any way be involved in arranging or facilitating the transportation to the employee's resident of a child for whom the Department is providing services unless:

- a) the employee is a licensed foster parent and the child has been placed with the employee for foster care purposes. Placement of a child with a Department employee must be approved by the Deputy Director responsible for the region/site; or
- b) a child aged 16 or over has been placed in an independent living arrangement and the child is residing in an apartment or other separate unit of the building where the employee resides; or
- c) the child is attending a party, family gathering or other function and the child's attendance is approved in writing by the employee's supervisor; or
- d) the child is staying overnight because of inclement weather or other emergency. Overnight visits must be approved by the Deputy Director responsible for the region/site.

(Source: Adopted in response to JCAR objection at 21 Ill. Reg. 14005)

Section 437.9 Violations of Part 437
EMERGENCY

- a) Strict compliance with all of the provisions of this Part is mandatory

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF MODIFICATION TO EMERGENCY AMENDMENTS IN RESPONSE TO AN
OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

and any non-compliance may subject the employee to criminal penalties, suspension, or discharge from Department employment.

- b) The Department may require any employee in violation of the foregoing to document all of his or her actions undertaken in order to comply with all of the provisions of this Part.

- c) The severity of discipline imposed in accordance with the Illinois Department of Central Management Service's rules will be based, in part, upon whether the employee:

- 1) Used the Department of Children and Family Services position for private gain (other than salary);
- 2) Gave preferential treatment to any organization or person;
- 3) Impeded or adversely affected governmental efficiency or economy;
- 4) Failed to act independently or impartially;
- 5) Affected adversely the confidence of the public in the integrity of the Department of Children and Family Services.

(Source: Adopted in response to JCAR objection at 21 Ill. Reg.

14103 b)

SUBPART B: MERIT COMPENSATION EMPLOYEES AND CONTRACTORS

Section 437.40 Prohibition of Employee Interests and Conduct Creating
Impropriety or the Appearance of Impropriety
EMERGENCY

- a) No employee shall use his or her official position for private gain (other than salary), give preferential treatment to any person or entity in the conduct of official duties because of personal interest, impede or adversely affect governmental efficiency or economy because of personal interest, fail to act impartially in the conduct of official duties because of personal interest, or engage in conduct which could adversely affect the confidence of the public in the integrity of the Department of Children and Family Services.

- b) No employee shall serve in any capacity with, or be employed on a full-time or part-time basis by, any child care facility as defined in Section 437.20 or any entity which has a grant, contract or purchase of service agreement with the Department, to the extent that such service or employment creates a conflict of interest, as defined in Section 437.20. Foster family home and day care home licenses are exempt from this restriction.

- c) No employee shall act as a consultant, paid or unpaid, to any entity if such consultation enables the entity to meet Department licensing requirements, obtain a grant, contract, or purchase of service agreement with the Department, or secure Department approval for program or staffing to the extent that such consultation creates a conflict of interest as defined in Section 437.20.

- d) Any employee who serves on the board of directors or professional

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF MODIFICATION TO EMERGENCY AMENDMENTS IN RESPONSE TO AN
OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

advisory committee, in either a paid or unpaid capacity, of any child care facility as defined in Section 437.20 or any entity which has a grant, contract or purchase of service agreement with the Department, shall immediately notify the Director of the Department or designee. Such notification shall result in the employee not being involved in any decision-making function that impacts that child care facility or entity. Service on a board of directors or professional advisory committee may result in a determination that such service presents an inherent conflict of interest and that the service must be terminated. An employee shall conduct official business impartially and with the object of fulfilling the statutory responsibilities of the Department. No employee shall use his or her official position to benefit the economic interest, private or personal interest of themselves or persons with whom they have a personal relationship.

- f) No employee shall solicit or accept any payment, gift, favor, service, loan or entertainment or other consideration for themselves or others under circumstances that might reasonably be construed to influence the performance of their official duties.

- g) No employee shall solicit or accept payment, gift, favor, service, discount, loan, entertainment, or other consideration from any entity or child care facility as defined in Section 437.20 or any entity which has a grant, contract, or purchase of service agreement, or adoption assistance agreement with the Department over which the employee has decision-making authority.

- h) No employee may accept an honorarium for speeches, panel participation or written materials when:

- 1) he or she is speaking or writing as a representative of the Department; or
- 2) the speaking or writing engagement occurs during the employee's scheduled work time (unless earned benefit time is used); or
- 3) travel and related expenses are paid by the State.

- i) An employee may accept a nominal token of appreciation or courtesy (such as meals, floral arrangements, plaque, certificate, cup or similar item) for participating in a governmental, civic, professional, athletic or similar event. The value of the token(s) accepted from a single source ~~at a single event~~ shall not exceed \$50 per calendar year. Excluded from this restriction is any certificate or award publicly presented in recognition of public service ~~seventy-five (\$75)-dollars~~. Any employee receiving such tokens which exceed two hundred (\$200) dollars in value in the aggregate, regardless of source(s), during a single fiscal year shall notify the Department's office of internal audits within thirty days of receiving the token(s) which exceeds the allowable limit. Such notification shall be in writing, and shall identify the items received, the dates the items were received, and the names of the donor organization(s) or individual(s).

- j) Any payment, gift, favor or other consideration not authorized for

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF MODIFICATION TO EMERGENCY AMENDMENTS IN RESPONSE TO AN
OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

acceptance by subsection (i) above shall be returned to the donor immediately.

- k) No employee who has a contract for future employment or is negotiating concerning possible future employment with any child care facility, as defined in Section 437.20, or any entity which has a grant, contract or purchase of service agreement with the Department shall be involved in any decision-making function that impacts that facility or entity.
- l) No employee shall be involved in any decision-making function that impacts any child care facility, as defined in Section 437.20, or any entity which has a grant, contract, purchase of service agreement or adoption assistance agreement with the Department in which the employee or any immediate family member of the employee has an economic interest. When an employee or an immediate family member of an employee has an economic interest in such a facility or entity, and the employee is involved in any decision-making function that impacts that child care facility or other entity, the employee shall immediately notify the Director of the Department or designee. Such notification shall result in the employee's not being involved in any decision-making function that impacts that child care facility or other entity, and may result in a determination that an inherent conflict of interest is present which requires that the employee terminate his or her employment.
- m) No employee shall participate in any way in the hiring, supervision, or evaluation of any immediate family member as defined by this Part.
- n) When an employee is the owner, director, officer, or manager of an entity which seeks to become licensed as a child care facility as defined in Section 437.20, other than a foster family home or day care home, the study to determine compliance with licensing standards shall be provided by a Department region other than that in which the individual is employed and by employees who have no significant working relationship or personal relationship with the individual. If such a license is granted, the employee must resign his or her employment before commencing any operations as such a child care facility. For the first five years of such operations, the child care facility shall be supervised, monitored, licensed, and evaluated by Department region other than that in which the individual was previously employed and by employees who had no significant working relationship with the individual while employed and always by employees who have no personal relationship with the individual.
- o) When an employee or spouse seeks to become licensed as a foster family home or day care home, the study to determine compliance with licensing standards shall be provided by an agency other than the Department and by persons who have no significant working relationship or personal relationship with the employee. If such license is granted, the employee may continue his or her employment while operating the foster family home or day care home. The employee's or spouse's foster family home or day care home shall be supervised

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF MODIFICATION TO EMERGENCY AMENDMENTS IN RESPONSE TO AN
OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

monitored, licensed and evaluated by an agency other than the Department and by individuals who have no significant working relationship or personal relationship with the employee. The employee shall consult with appropriate supervisors to make sure his or her official duties do not involve any interaction with the agency responsible supervising, monitoring, licensing, or evaluating the employee's foster family home or day care home. If the employee or spouse seeks to apply for a license to operate a day care home, but there is no licensed child welfare agency or day care agency that licenses day care homes within 50 miles of the employee's residence, the employee can submit a request in writing to the Office of Internal Audits seeking an exemption from the requirements of this subsection, but only as the exemption pertains to day care homes. For purposes of this subsection only, the term "employee" or "State employee" does not include licensed foster parents with whom the Department contracts to provide support services to other Department supervised foster parents.

- p) An employee who currently holds a license as a child care facility shall comply with the provisions of this Part immediately, except that, if necessary, transfer of the supervision, monitoring, licensing, and evaluation of a foster family home or day care home to an agency other than the Department shall be accomplished within one year of the effective date of this amendment or prior to the renewal of the license, whichever occurs first.
- q) An employee called as a witness in a court proceeding or administrative hearing on the basis of his or her official position or knowledge as a Department employee may not accept payment for such an appearance. Any payment or fees received shall be made payable to the Treasurer, State of Illinois, and turned over to the immediate supervisor. An employee called as a witness in a court proceeding or administrative hearing shall notify his or her immediate supervisor. The supervisor shall review the appearance for possible conflict of interest, and, if necessary, shall seek the assistance of the Department's office of internal audits in making a determination of whether a conflict exists.
- r) An employee who accepts employment at a juvenile court, other state agency, the legislature or a legislative commission or committee, or any entity which has a grant, contract or purchase of service agreement with the Department shall notify his or her immediate supervisor. The supervisor shall review the employment for possible conflict of interest, and, if necessary, shall seek the assistance of the Department's office of internal audits in making a determination regarding whether a conflict exists. Any such employment must comply with the Illinois Purchasing Act [30 ILCS 505]. (See Section 437.50).
- s) An employee engaged in any secondary employment shall not permit such employment to interfere with his or her official duties and shall not use his or her relationship with the Department to promote his or her

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF MODIFICATION TO EMERGENCY AMENDMENTS IN RESPONSE TO AN
OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

secondary employment.

- t) When an employee or any person with whom the employee has a personal relationship is the subject of an investigation or review conducted by the Office of Inspector General, office of internal audits, child protection, licensing, or other Department unit, the employee shall not use his or her status as an employee to influence or interfere with the investigation or review. The employee shall not participate in any decision-making regarding the results of the investigation or review, and shall have access to the record(s) of the investigation or review only as authorized by applicable statute or regulation. When the employee normally has authority over the person or persons responsible for the investigation or review, responsibility for the investigation or review and decision-making shall be transferred to a person or entity with no apparent conflict of interest.

(Source: Modified in response to JCAR objection at 21 Ill. Reg.

~~44-3061~~)

HEALTH FACILITIES PLANNING BOARD

REQUEST FOR EXPEDITED CORRECTION

1) Heading of the Part: Narrative and Planning Policies

2) Code Citation: 77 Ill. Adm. Code 1100

3) Section Numbers: 1100.530

4) Date Proposal published in Illinois Register: July 19, 1996, 20 Ill. Reg. 9470

5) Date Adoption published in Illinois Register: May 30, 1997, 21 Ill. Reg. 6220

6) Summary and Purpose of Expedited Correction: The Board originally proposed changing a factor in determining bed need for obstetrics in 2 different subsections from 3.5 days to 2.5 days. Although both changes were included in the Board's original proposal of the rulemaking, the change was inadvertently omitted from Section 1100.530(e)(3) in the version that was filed and published.

7) Information and questions regarding this request shall be directed to:

Donald Jones
Health Facilities Planning Board
525 West Jefferson, 2nd Floor
Springfield, Illinois 62761
217/782-3516

HEALTH FACILITIES PLANNING BOARD

REQUEST FOR EXPEDITED CORRECTION

TITLE 77: PUBLIC HEALTH
CHAPTER II: HEALTH FACILITIES
PLANNING BOARD

SUBCHAPTER a: ILLINOIS HEALTH CARE FACILITIES PLAN

PART 1100

NARRATIVE AND PLANNING POLICIES

SUBPART A: GENERAL NARRATIVE

Section

1100.10 Introduction
1100.20 Authority
1100.30 Purpose
1100.40 Health Maintenance Organizations (Repealed)
1100.50 Subchapter Organization
1100.60 Mandatory Reporting of Data
1100.70 Data Appendices
1100.80 Institutional Master Plan Hospitals (Repealed)
1100.90 Public Hearings

Section

1100.210 Introduction
1100.220 Definitions

SUBPART B: GENERAL DEFINITIONS

SUBPART C: PLANNING POLICIES

Section

1100.310 Need Assessment
1100.320 Staffing
1100.330 Professional Education
1100.340 Public Testimony
1100.350 Multi-Institutional Systems
1100.360 Modern Facilities
1100.370 Occupancy-Utilization Standards
1100.380 Systems Planning
1100.390 Quality
1100.400 Location
1100.410 Needed Facilities
1100.420 Discontinuation
1100.430 Coordination with Other State Agencies

SUBPART D: NEED FORMULAS/UTILIZATION TARGETS

Section

1100.510 Introduction, Formula Components and Planning Area Development

HEALTH FACILITIES PLANNING BOARD

REQUEST FOR EXPEDITED CORRECTION

Policies

1100.520 Medical-Surgical/Pediatric Categories of Service
1100.530 Obstetric Category of Service
1100.540 Intensive Care Category of Service
1100.550 Comprehensive Physical Rehabilitation Category of Service
1100.560 Acute Mental Illness Categories of Service
1100.570 Substance Abuse Category of Service
1100.580 Neonatal Intensive Care Category of Service
1100.590 Burn Category of Service
1100.600 Therapeutic Radiology Equipment
1100.610 Open Heart Surgery Category of Service
1100.620 Cardiac Catheterization Services
1100.630 Chronic Renal Dialysis Category of Service
1100.640 Non-Hospital Based Ambulatory Surgery
1100.650 Computer Systems (Repealed)
1100.660 General Long-Term Care Category of Service
1100.670 Specialized Long-Term Care Categories of Service
1100.680 Magnetic Resonance
1100.690 High Linear Energy Transfer (L.E.T.)
1100.700 Positron Emission Tomographic Scanning (P.E.T.)
1100.710 Extracorporeal Shock Wave Lithotripsy
1100.720 Selected Organ Transplantation
1100.730 Kidney Transplantation
1100.740 Subacute Care Hospital Model
1100.750 Postsurgical Recovery Care Center Alternative Health Care Model
1100.760 Children's Respite Care Center Alternative Health Care Model

APPENDIX A

Applicable Codes and Standards Utilized in 77 Ill. Adm.
Code: Chapter II, Subchapter a

AUTHORITY: Implementing and authorized by the Illinois Health Facilities Planning Act [20 ILCS 3960].

SOURCE: Fourth Edition adopted at 3 Ill. Reg. 30, p. 194, effective July 28, 1979; amended at 4 Ill. Reg. 4, p. 129, effective January 11, 1980; amended at 5 Ill. Reg. 4895, effective April 22, 1981; amended at 5 Ill. Reg. 10297, effective September 30, 1981; amended at 6 Ill. Reg. 3079, effective March 8, 1982; emergency amendments at 6 Ill. Reg. 6895, effective May 20, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 11574, effective September 9, 1982; Fifth Edition adopted at 7 Ill. Reg. 5441, effective April 15, 1983; amended at 8 Ill. Reg. 1633, effective January 31, 1984; codified at 8 Ill. Reg. 15476; amended at 9 Ill. Reg. 3344, effective March 6, 1985; amended at 11 Ill. Reg. 7311, effective April 1, 1987; amended at 12 Ill. Reg. 16079, effective September 21, 1988; amended at 13 Ill. Reg. 16055, effective September 29, 1989; amended at 16 Ill. Reg. 16074, effective October 2, 1992; amended at 18 Ill. Reg. 2986, effective February 10, 1994; amended at 18 Ill. Reg. 8448, effective July 1, 1994; emergency amendment at 19 Ill. Reg. 1941, effective January 31, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 2985,

HEALTH FACILITIES PLANNING BOARD

REQUEST FOR EXPEDITED CORRECTION

effective March 1, 1995; amended at 19 Ill. Reg. 10143, effective June 30, 1995; recodified at 20 Ill. Reg. 2594, effective January 26, 1996; amended at 20 Ill. Reg. 14778, effective November 15, 1996; amended at 21 Ill. Reg. 6220, effective May 30, 1997; expedited correction at 21 Ill. Reg. 14108, effective May 30, 1997.

SUBPART D: NEED FORMULAS/UTILIZATION TARGETS

Section 1100.530 Obstetric Category of Service

- a) Planning Areas: Same as M-S
 b) Age Groups: Female 15-44; Female 15 and over
 c) Occupancy Targets:

1-10 beds	60%	Gynecology
11-25 beds	75%	Utilization
26+ beds	78%	within
		Obstetrics 90%

- d) Bed Capacity: Obstetrics bed capacity is the lesser of measured bed capacity or functional bed capacity per individual room.

- e) Total Bed Need for Obstetrics and the number of additional beds needed are determined by:

- 1) multiplying the projected female 15-44 population by the current fertility rate of the health planning area to obtain projected births;
- 2) multiplying the projected number of births by a hospitalization factor of .99 (99%) to determine number of projected births occurring in hospitals;
- 3) multiplying projected births occurring in hospitals by length of stay factor of 2.5 3-5 days to obtain projected maternity patient days;
- 4) dividing the gynecology utilization (of the base year) within obstetric units by the current female 15+ population to obtain a use rate;
- 5) multiplying the use rate of gynecology patients by the projected female 15+ population to obtain projected gynecology patient days;
- 6) dividing the projected maternity patient days by 365 to obtain a maternity average daily census;
- 7) dividing the projected gynecology patient days by 365 to obtain a gynecology average daily census;
- 8) dividing the gynecology patient days by .9 (90%) to determine obstetric beds needed for gynecology patients;
- 9) dividing the maternity average daily census by the occupancy target for new construction to obtain obstetric beds needed for maternity patients;
- 10) adding the maternity bed need (step 9) with the gynecology need (step 8) to determine total unadjusted obstetric bed need.

HEALTH FACILITIES PLANNING BOARD

REQUEST FOR EXPEDITED CORRECTION

- 11) determine the number of patients entering the planning area from outside and the number of area residents leaving the planning area for obstetrics service;
- 12) multiplying the total number of patients entering the area and those leaving the area by 2.5 to determine a patient day estimate for in-migration and out-migration;
- 13) multiplying the patient totals for area in-migration and out-migration by a .85 (85%) adjustment factor;
- 14) subtracting the resulting in-migration adjusted patient day total from the out-migration adjusted patient day total to determine the net in or out patient day migration estimate;*

AGENCY NOTE: *Patient migration adjustment is for a one year period and the base year shall be the date of the latest available patient origin data.

- 15) dividing the net in or out patient day estimate by 365 to determine the average daily census for migration;
- 16) adding to net in-migration areas the average daily census for migration to the unadjusted bed need to determine the migration adjusted obstetric bed need; in net out-migration areas subtract the average daily census for migration to determine adjusted obstetric bed need.

- 17) calculating the number of beds which should be added in each area by subtracting the number of beds in existing facilities from the number of beds needed.

(Source: Expedited correction at 21 Ill. Reg. 14106, effective May 30, 1997)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of October 7, 1997 through October 13, 1997 and have been scheduled for review by the Committee at its November 12, 1997 meeting in Springfield. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
11/20/97	Department of Public Aid, Hospital Services (89 Ill Adm Code 148)	8/1/97 21 Ill Reg 10016	11/12/97
11/20/97	Pollution Control Board, Emissions Reduction Market System (35 Ill Adm Code 205)	7/25/97 21 Ill Reg 9649	11/12/97
11/22/97	Department of Public Health, Illinois Home Health Agency Code (77 Ill Adm Code 245)	3/21/97 21 Ill Reg 3453	11/12/97
11/22/97	Department of Public Health, Skilled Nursing and Intermediate Care Facilities Code (77 Ill Adm Code 300)	3/21/97 21 Ill Reg 3527	11/12/97
11/22/97	Department of Public Health, Hospital Licensing Requirements (77 Ill Adm Code 250)	3/21/97 21 Ill Reg 3438	11/12/97
11/22/97	Department of Public Health, Sheltered Care Facilities Code (77 Ill Adm Code 330)	3/21/97 21 Ill Reg 3513	11/12/97
11/22/97	Department of Public Health, Illinois Veterans' Homes Code (77 Ill Adm Code 340)	3/21/97 21 Ill Reg 3462	11/12/97
11/22/97	Department of Public Health, Intermediate Care for the Developmentally Disabled Facilities Code (77 Ill Adm Code 350)	3/21/97 21 Ill Reg 3475	11/12/97

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
11/22/97	Department of Public Health, Community Living Facilities Code (77 Ill Adm Code 370)	3/21/97 21 Ill Reg 3426	11/12/97
11/22/97	Department of Public Health, Long-Term Care Assistants and Aides Training Programs Code (77 Ill Adm Code 395)	3/21/97 21 Ill Reg 3492	11/12/97
11/22/97	Department of Public Health, Long-Term Care for Under Age 22 Facilities Code (77 Ill Adm Code 390)	3/21/97 21 Ill Reg 3497	11/12/97
11/22/97	Department of Public Health, Subacute Care Hospital Demonstration Program Code (77 Ill Adm Code 270)	4/11/97 21 Ill Reg 4393	11/12/97
11/22/97	Department of Public Health, Children's Respite Care Center Demonstration Program Code (77 Ill Adm Code 260)	4/11/97 21 Ill Reg 4373	11/12/97
11/23/97	Department of Human Services, General Administrative Provisions (89 Ill Adm Code 10)	7/18/97 21 Ill Reg 9395	11/12/97
11/23/97	Department of Human Services, Temporary Assistance for Needy Families (89 Ill Adm Code 112)	7/7/97 21 Ill Reg 8179	11/12/97
11/23/97	Department of Human Services, Crisis Assistance (89 Ill Adm Code 116)	7/7/97 21 Ill Reg 8197	11/12/97
11/23/97	Department of Human Services, General Assistance (89 Ill Adm Code 114)	7/7/97 21 Ill Reg 8204	11/12/97
11/23/97	Department of Human Services, Related Program Provisions (89 Ill Adm Code 117)	7/7/97 21 Ill Reg 8209	11/12/97
11/23/97	Department of Human Services, Collections and Recoveries (89 Ill Adm Code 165)	7/7/97 21 Ill Reg 8195	11/12/97

Rules acted upon during the quarter of April 1 through June 30, 1997 (Issues 17-28) are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code 4401 published in Issue 40 will be listed as 50-4401-40. The letter "R" designates a rule that is being repealed. The quarterly Sections Affected Index and Cumulative Index will be published in Issue 29 (July 15); Issue 42 (October 17); and Issue 3 (January 16, 1998). Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or jntale@ccgate.sos.state.il.us (Internet address).

PROPOSED

26-100-42
26-125-42
26-216-42
38-180-42
41-180-42
47-220-42
47-250-42
47-260-42
47-310-42
47-360-42
47-365-42
50-8100-42
77-750-42
80-150-42
86-130-42
89-140-42
89-146-42
92-1205-43
92-1710-43
92-1720-43
92-1730-43
92-1740-43

ADOPTED

2-1975-42
50-3119-42
56-2520-43
68-1252-42
68-1380-42
68-1480-42

EMERG.

77-290-42
89-140-42
77-290-42
77-2090-43

ILLINOIS REGISTER
ADMINISTRATIVE CODE ORDER FORM

PLEASE USE THIS FORM FOR ALL ORDERS OR TO NOTIFY US OF A CHANGE OF ADDRESS. ALL ORDERS MUST BE PAID IN ADVANCE BY CHECK, MONEY ORDER, VISA, MASTER CARD OR DISCOVER CARD. CHECKS AND MONEY ORDERS MUST BE PAYABLE TO THE "SECRETARY OF STATE".

MICROFICHE SETS OF THE ILLINOIS REGISTER @\$200.00 PER SET.

1977-1978 1979 1980 1981 1982 1983 1984 1985 1986
1987 1988 1989 1990 1991 1992 1993 1994 1995 1996

CUMULATIVE INDICES TO THE ILLINOIS REGISTER @\$1.00 EACH.

1981 1982 1983 1984 1985 1986 1987 1988 1989

SECTIONS AFFECTED INDICES TO THE ILLINOIS REGISTER @\$1.00 EACH.

1984 1985 1986 1987 1988 1989

CUMULATIVE/SECTIONS AFFECTED INDICES @\$5.00 EACH.

1990 1991 1992 1993 1994 1995 1996

BACK ISSUES OF THE ILLINOIS REGISTER (CURRENT YEAR ONLY) @\$10.00 EACH.

(VOLUME #)

(ISSUE #)

(ISSUE DATE)

ANNUAL SUBSCRIPTION TO THE ILLINOIS REGISTER @\$290.00 (52 ISSUES)

NEW RENEWAL

ANNUAL SUBSCRIPTION TO THE ILLINOIS ADMINISTRATIVE CODE ON CD-ROM; COMPLETELY UPDATED EDITION PUBLISHED QUARTERLY @\$290.00 FOR 4 QUARTERLY EDITIONS

TOTAL AMOUNT OF ORDER: \$

CHECK VISA MC DISCOVER CARD#: _____

EXPIRATION DATE: _____ SIGNATURE: _____

(IF CHANGE OF ADDRESS, PLEASE LIST BOTH THE OLD AND NEW ADDRESS: _____)

(NAME, PLEASE TYPE OR PRINT)

(ADDRESS)

(CITY, STATE, ZIP CODE AND TELEPHONE #)

MAIL TO:

OR FAX: (217) 854-0308

GEORGE H. RYAN
SECRETARY OF STATE
INDEX DEPARTMENT
111 E. MONROE
SPRINGFIELD, IL 62756

